FINAL ENVIRONMENTAL IMPACT STATEMENT

Commercial Campus at Fields Corner

NY 312 & PUGSLEY ROAD
TOWN OF SOUTHEAST
PUTNAM COUNTY, NY

VOLUME I

Prepared for: Putnam Seabury Partners, L.P.
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Lead Agency: **Southeast Planning Board**

Prepared by:

Project 14012

Adopted: **July 27, 2020**

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NY 312 & Pugsley Road
Town of Southeast, NY 10509
Putnam County, NY

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C-010	"Overall Existing Conditions Map"	5	06/17/2020
C-020	"Existing Conditions Map 'A'"	5	06/17/2020
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C-908	"Construction Details"	4	06/17/2020

Evans Associates Drawings

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MP-2	"Habitat Restoration Plan"	1	08/07/2019
MP-3	"Habitat Restoration Plan"	1	08/07/2019
MP-4	"Wetland & Wetland Buffer Restoration Plan"	1	08/07/2019
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I. PROJECT DESCRIPTION

A. Introduction

SEQRA intends for actions to be modified and improved in response to public comment on the Draft Environmental Impact Statement (DEIS). In fact, SEQRA jurisprudence makes clear that the improvement of an action through the State Environmental Quality Review Act (SEQRA) process, including project changes from a DEIS to the Final Environmental Impact Statement (FEIS), shows that the reviewing agency is taking the requisite "hard look." See, e.g., Coalition for Responsible Planning, Inc. v. Koch, 148 A.D.2d 230, 236, 543 N.Y.S.2d 653, 657 (1st Dept. 1989), ("Indeed, what better example of the requisite 'hard look' is there than the incorporation in the FEIS and adoption by the Board of Estimate of alternatives developed as a direct result of the review process?"), leave to appeal denied, 75 N.Y.2d 704, 552 N.Y.S.2d 927 (Table) (1990). Any project modifications made in response to comments on the DEIS are described and analyzed in the FEIS.

Accordingly, as SEQRA intends, the Applicant has proposed changes to the Proposed Action (DEIS Plan) in response to comments on the DEIS Plan from the public, the Town approval boards, and other interested and involved agencies during the public hearing process as described below, which are presented and analyzed in this FEIS as the Preferred Alternative Plan. These modifications represent changes to the DEIS Plan to further avoid and/or mitigate potential significant adverse project impacts. This document is the FEIS for the Preferred Alternative Plan. The DEIS Plan is no longer the Applicant's preferred alternative.

The Town of Southeast Planning Board (Planning Board) remains the SEQRA Lead Agency for the Proposed Action. The FEIS has been prepared pursuant to SEQRA (Article 8 of Environmental Conservation Law) and its implementing regulations (6 NYCRR Part 617). Pursuant to 6 NYCRR Part 617 (specifically §617.9(b)(8)), the purpose of this FEIS is to provide Lead Agency responses to the substantive public comments (both written and

verbal) made on the DEIS during the public hearings and formal comment period. As such, this FEIS addresses all substantive comments made on the DEIS during the public comment period and will serve as a basis for making environmental findings for the project described below. Those comments are summarized and responded to in Chapter 3, "Response to Comments."

B. Site Location/Environmental Setting

The Applicant owns ±328.1 acres that are located on either side of Pugsley Road and Fields Corner Road, to the northwest of the Exit 19 I-84/NY Route 312 interchange and extends to the Town line of the Town of Patterson to the north. It is entirely located within the Town of Southeast, in the northwest corner of the Town (Figure I-1). The Preferred Alternative proposes development on the 229.0 acres of the Applicant's property located within the OP-3 zone. No buildings are proposed for the 99.1 acres of the Applicant's property located in the RC zone (see Figures 1-2 and I-2A). All of the Applicant's property is within the New York City Department of Environmental Conservation (NYCDEP) watershed.

The property was previously used for agricultural pastures, including as a livestock farm, which were subsequently abandoned. Much of the site is currently characterized by overgrown former farm fields, with tangles of dense underbrush, small trees, and wild rose. The open fields were once separated by stone wall fences and hedgerows. No buildings remain on the property. There are some areas of secondary growth woodlands. The site contains six wetlands including four regulated by the NYSDEC, and two regulated by the Town of Southeast (all are regulated by the USACOE).

C. DEIS Plan

The DEIS analyzed the impacts of the following principal components of the proposed project, which are no longer being considered by the Applicant.

- The project site, which is currently comprised of 156 tax parcels, was proposed to be re-subdivided into 6 tax parcels;
- Construction of four logistics center buildings ranging in size from 173,775 to 366,404 square feet. The proposed buildings would be located on Lots 1, 2, and 3;
- Lot 5 was proposed to be donated to Putnam County for new access to Tilly Foster Farm to Pugsley Road, and potential related uses;
- Lot 6 would be donated to the New York State Department of Transportation (NYSDOT) for right-of-way improvements;
- Make a "logistics center" a defined term under Section 138-4(b) of the Town Code.
- Allow logistics centers as a conditional use in the Town, allowable only on lots of at least twenty-five (25) acres and subject to prescribed Design Guidelines;
- Make a logistics center a permitted conditional use in the OP-3 District;
- Rezone approximately 39 of the 42 acres of the parcel referred to on the Putnam County Tax Map as Section 45, Block 1, Lot 4 from the RC District into the OP-3 District;
- Constructing a roundabout at the intersection of NY 312/Pugsley Road.

The DEIS provided a description of the proposed project and analysis of existing conditions, potential impacts associated with the proposed project, measures designed to avoid or minimize identified impacts and project alternatives, as appropriate.

D. Description of the Preferred Alternative Plan

The changes made in the Preferred Alternative Plan versus the DEIS Plan are as follows:

The Preferred Alternative Plan proposes two (2) buildings (Figure 1-2) instead of the four (4) proposed in the DEIS Plan. The total proposed building square footage is 933,100 square feet (s.f.) versus the 1,124,575 s.f. of the DEIS Plan, an approximately 17% reduction of 191,475 s.f.

Unlike the DEIS Plan, the Preferred Alternative Plan proposes no zoning text or zoning map amendments, with no rezoning proposed of any portion of the Applicant's property that is in the Town's RC "Rural Commercial District". All of the Applicant's property located in the RC District will remain zoned RC District (Figure I-2A). The stormwater retention and septic facilities sized specifically for Building A are located in the RC District portion of the property and are permitted under the Town's zoning ordinance. No buildings will be situated in the RC District; rather, all buildings will be situated on Lots 2 and 3, which are wholly within the OP-3 District (see Figures I-2 and I-2A).

Building A, which is closest to Route 312, will be approximately 2,150 feet from Route 312, versus 965 feet for Building 1 in the DEIS Plan. Intervening topography would also make Building A virtually invisible from Route 312. Route 312 is at an elevation of 550 feet at its nearest point, while Building A (with a finished floor elevation of 649 feet) will be below and behind the ridgeline (with a top elevation of 672 feet) which is located between Building A and Route 312. In summary, distance, topography, and dense existing vegetation obscures Building A's visibility from Route 312 and preserves the rural character of this area.

The Preferred Alternative qualifies as a "Light Manufacturing" use under the Town Code, and, accordingly, is a use specifically allowable by Special Permit in the OP-3 District (see Response 3-2 for a detailed discussion of the permitted proposed use).

Unlike the DEIS Plan, in which the proposed buildings were situated on two ridgelines, the Applicant proposes to construct Building A below an adjacent ridgeline, which is proposed to remain. Building B is to be constructed on a ridgeline but below the existing grades. These conditions reduce the buildings' visibility along the ridgeline, and, as a result, the project is minimally visible off-site.

In addition, the nearest building to the Twin Brook Manor residences is approximately 1,210 feet distant as opposed to approximately 600 feet for the DEIS Plan. In addition, an approximately 12 foot high berm is proposed on the site north of Building B to help block

views of the buildings from Twin Brook Manor. The distance of the nearest building (Building B) to the Hunter's Glen residences remains at approximately 1,415 feet, or just a little over a quarter mile. Also, trucks will no longer be able to circulate around the buildings, with only employee parking situated on the side facing Hunter's Glen. These conditions help to reduce potential noise impacts for Hunter's Glen. In addition, trucking activity is concentrated on the side of the buildings facing away from the condo communities with the buildings acting as a sound barrier to these communities. The buildings will also help buffer the noise from the existing approximately 9,000 daily truck trips on nearby I-84.

No general illumination wall-pack lighting is proposed for any portion of Building B facing nearby residences, and the parking lot light poles will be reduced from 30 to 20 feet high, and fully shielded such that there will be no light spillage off of the property towards Hunter's Glen or Twin Brook Manor. The proposed lighting would be dark sky compliant.

The project will have limited visibility from most locations within Hunters Glen and Twin Brook Manor, and any visual impacts will be minimized by the preservation of substantial areas of existing mature trees and habitat as well as additional proposed evergreen landscaping planted in the "gaps" where the buildings might be visible. The evergreens are proposed to be planted on the properties of Hunters Glen and Twin Brook Manor, subject to the approval of the boards of Hunters Glen and Twin Brook Manor, respectively to further buffer the buildings from residents.

In addition to the changes described above of the Preferred Alternative Plan versus the DEIS Plan, the following changes also have been made in the Preferred Alternative Plan:

- The project site, which is currently comprised of 156 tax parcels, is proposed to be re-subdivided into 11 tax parcels (Figure I-3) instead of the 6 tax parcels proposed in the DEIS. The proposed tax lots and their use are as follows:

Proposed Preferred Alternative Plan Lots	
Lot No.	**Description**
Lot 1	Existing Tax Map No. 45.-1-4 Parcel (No building development)
Lot 2	Development Lot Containing Building A
Lot 3	Development Lot Containing Building B
Lot 4	
Lot 4A	Existing Tax Map No. 45.-1-12 Parcel (Non-Inclusive of the Well Parcels)
Lot 4B	Well Parcel Within Existing Tax Map No. 45.-1-12 Contiguous to Pugsley Road
Lot 4C	Well Parcel Within Existing Tax Map No. 45.-1-12 Contiguous to NY 312
Lot 5	Potential Land Donation Parcel to Putnam County
Lot 6	Potential Land Donation Parcel to NYSDOT (West of Pugsley Road)
Lot 7	Potential Land Donation Parcel to NYSDOT (East of Pugsley Road)
Lot 8	Potential Land Donation Parcel to Town of Southeast

- Barrett Road will need to be de-mapped to allow for the consolidated development of the DEIS Plan's Buildings 3 and 4 into the Preferred Alternative's reduced Building B, and to provide access to Building B.
- The site's two access driveways have been modified such that one driveway serves Building A and the other driveway serves Building B.
- For each proposed access driveway, a lane is dedicated for employees to enter and exit the site. The employees may use a keycard for access without having to stop at the security gate.
- The access driveways contain a separate lane for trucks and visitors, who will be channeled to stop at the security gate of each building before entering and exiting. A truck turnaround is provided at each driveway such that those vehicles that do not intend to access the site are able to turn around and exit the way they came into the Campus property from Route 312.
- The Applicant has proposed to place "no build" restrictions on approximately 92 acres of the approximately 229 acre OP-3 portion of its property, which is

approximately 40% of this area. The no-build prohibits any future building development in these locations (see Figure I-4).

- Town-defined open space comprises approximately 80% of the approximately 229 acre OP-3 portion of the Applicant's property.
- Within the OP-3 portion of the property, approximately 139.4 acres will remain undisturbed. Therefore, 61%% of the OP-3 portion of the property remains undisturbed,
- Modifications to the Stormwater Management Plan (SWPPP) design responding to comments from the NYCDEP, NYSDEC, and the New York State Watershed Inspector General (WIG), to ensure that the proposed project will add no additional phosphorous to the Middle Branch Reservoir or otherwise adversely impact the watershed.
- While the conservative analyses in the DEIS assumed that there would be 510 truck trips per day (which equates to about 255 trucks entering/exiting the site each day, which would be proportionately reduced with the reduction in the size of the project), counts from similar uses in the I-84 area indicate that the project may generate a much lower number of truck trips. Based on the counts conducted at the Gap Distribution Center in Fishkill and Matrix Business Park in Newburgh, the Preferred Alternative Plan could be expected to generate 130 truck trips per day (or about 65 trucks entering/exiting each day). Based on the local counts, approximately 60% of the trucks entering the Campus would be tractor trailers and 40% would be straight box type trucks.
- Widening of Route 312 into four lanes from two lanes the entire distance between Pugsley Road and the I-84 Eastbound ramps/Independent Way. This will help mitigate the traffic generated as a result of the project, and generally improve operations along Route 312.
- Two 12-foot maximum height clearance bars are proposed (to be signed as 11-feet high per NY State standards) as well as gates to prevent truck traffic from getting to or leaving the site through Patterson. One height clearance bar and gate are to be situated on Fields Corner Road to the north of the Building B access driveway to prevent trucks from proceeding north, and the other clearance bar

and gate are to be situated to the south of the Southeast-Patterson Town line to prevent trucks from proceeding south along Fields Corner Road. Both areas will have a truck turnaround. Signs would be installed prohibiting commercial trucks and advising of the progressive fines. Video monitoring would be recorded and provided to the Town and/or the Putnam County Sheriff's office if requested. The gates would remain open unless traffic levels on Fields Corner Road exceed those predicted in this FEIS. Emergency vehicles would have access through the gates as may be needed if the gates are closed. As currently is the case, Fields Corner Road would remain closed and not maintained to the north of the project during winter months.

- A series of land exchanges are proposed to enable the modification of the right-of-way necessary for improvements to Pugsley Road and Route 312 (Drawing PE-1 in Appendix Volume 4.A, Part M). The Town would abandon the Barrett Road right-of-way to the Applicant, and the Applicant would dedicate the land necessary for the turnaround on Fields Corner Road needed because of the proposed clearance bar south of the Southeast-Patterson Town line to prevent trucks from using this route. The Applicant is donating a net total of 138,657 s.f. (including a land donation to Putnam County), and the Town of Southeast will donate a net total of 36,505 s.f. Thus, the Applicant is donating a net 102,152 s.f. more than the Town for these purposes.
- While both a traffic signal with roadway improvements and a roundabout were considered at the intersection of Route 312 and Pugsley Road, NYSDOT has determined that a demand responsive traffic signal and roadway improvements are the desired improvements.
- To further assure operating conditions at the intersection of Route 312 and Pugsley Road, the Pugsley Road improvements with the signalized T intersection are proposed to be expanded from the previously proposed two lanes to provide three approach lanes, with dual left turns and a single right turn lane. In addition to the previously proposed left turn lanes along Route 312, a second through lane is proposed along Route 312 eastbound and either a right turn lane or second

through lane will be provided along Route 312 westbound, subject to NYSDOT approval.

- NYSDOT is currently constructing improvements to the signalized intersections of Route 312, I-84, and Independence Way, which will also serve to improve operating conditions in the area.
- The Town will require a Traffic Monitoring Plan (TMP) to be completed by the Applicant and submitted to the Town Planning Board within 6 months of the occupancy of the first of the two buildings completed, and within 6 months of the full development and occupancy of the Proposed Project. The final details of the TMP will be included in the Statement of Findings. The Applicant will work with the Town to correct operations if necessary in the unanticipated event that actual operations discussed below differ from the Proposed Project Conditions of Approval specified in the Site Plan Approval Resolution.
- A traffic signal Warrant Analysis of the Route 312/Prospect Hill Road intersection shall be prepared within three months of full occupancy. The analysis shall consider the variety of warrants available and justify the signal using at least two warrants per NYSDOT direction.
- If warranted and approved by NYSDOT, the signal would be designed, installed, and coordinated with the four other existing and proposed signals along Route 312 to Independent Way.
- A corridor study shall be prepared within six months of full occupancy along Route 312 from Prospect Hill Road to International Boulevard to determine the need and recommendations for revised Time-of-Day traffic signal plans. The corridor study shall include the weekday AM, PM, and Saturday peak hours using SimTraffic software per NYSDOT guidance.
- If the traffic signal is not approved by NYSDOT, other traffic signal technologies could be implemented as may be identified in the corridor study.
- Like most warehouse/distribution facilities, the Commercial Campus at Fields Corner will have strict anti-idling policies, which each tenant's warehouse manager is charged with enforcing. If a truck driver is idling at a facility, the shipping and receiving supervisor will tell them to shut off. A driver's lounge will be provided

with chairs, table, TV, and a bathroom with a toilet and a sink, for drivers who need a quick break or are waiting to be reloaded. The driver's lounge will have a separate entrance from the warehouse, and the drivers will not be permitted into the warehouse. Outlets are to be provided at each building so that truck's engine warmers can be plugged in during the coldest winter weather, rather than having their engines running for any extended period of time.

- As a matter of practice, warehouse/distribution facilities do not provide an overnight facility, and truck drivers are not permitted to sleep overnight in their trucks at warehouse/distribution facilities. The Applicant is willing to consent to the imposition, as a condition of Special Permit approval, of restrictions against overnight facilities or overnight sleeping at the Preferred Alternative.
- Total impervious area is 48.4 acres, a reduction of 8.8 acres from the DEIS Plan which had an impervious area of 57.2 acres versus the existing site conditions.
- Impacts to wetlands remain at a permanent 0.05 acre encroachment into the wetland and would occur only at the existing on-site road crossing (improvements at the Barrett Road wetland crossing between Wetlands 4 and 5); otherwise, only minor encroachments into the adjacent areas are proposed, with 2.66 acres of disturbance to NYSDEC wetland buffers (which are also regulated by the Town), and 5.79 acres of disturbance to Town-only regulated wetland buffers.
- A Wetland Mitigation/Habitat Restoration Plan has been developed to enhance the developed portions of the site at the Barrett Road crossing as well as other non-wetland locations. This will be accomplished through the control of invasive species and restoration of a variety of habitats using substantial amounts of native trees, shrubs, forbs, and grasses to provide improved habitat for a variety of mammals, birds, reptiles and amphibians currently found on the site (see Appendix 9-2).
- The subject property currently pays approximated $143,000 for property taxes on undeveloped land. Without development, this annual tax would stay the same in perpetuity subject only to annual tax escalation.
- Property taxes for the subject property based on the proposed development would over the first fifteen years generate more than $30,900,000 in new taxes

under a Putnam County IDA PILOT program. This is a difference of over $28,000,000 in additional property taxes paid compared with cumulative property taxes paid if the property were to remain undeveloped.

- If the PILOT payments were distributed as property taxes are currently allocated, the regional school system would receive more than $25,945,000 in new revenue over the first fifteen years.
- The proposed project will generate an estimated $73,500,000 of annual economic output including 551 new on-site jobs during the anticipated day shift and 115 new indirect jobs. (Although a total of 1,040 jobs are projected over the 24-hour period, the 551 jobs on the anticipated day shift were used in the economic analysis [Appendix 10-1] as a conservative number, but with water/septic demand and the traffic analysis taking into account all three shifts.) This economic output will have a favorable and lasting impact on the local economy.
- No road salt will be stored on site. An outside contractor will clear snow after a storm and will comply with all pertinent NYCDEP regulations regarding any materials used for snowmelt, and use the minimum amount necessary.
- The buildings will operate 24/7/360, but within the industry, the majority of commercial activity occurs during the traditional business day and is reduced by approximately half during the second (evening) shift. During the third (night) shift, the activity is limited to in-building cleaning, maintenance, repair, and restocking activity much like a grocery store prepares for the next business day. Based on truck counts at the Gap Distribution Center in Fishkill and at the Matrix Distribution Center in Newburgh, truck traffic is concentrated to the first shift, tapering into the second shift. The vast majority of trucks will not be making deliveries between the hours of 11:00 PM to 7:00 AM in normal operations.
- Given the large distances involved, the reorientation of all the loading docks away from Hunters Glen and Twin Brook, eliminating the need for trucks to circulate around the buildings, truck access to the buildings will not adversely impact the residents of Hunters Glen and Twin Brook. Any faint truck sounds that could be audible outside the residences in those developments would be similar in nature,

but not as loud, as the peak truck noise from I-84, and would not wake up a person sleeping even with an open window.

- The Applicant is willing to commit to a maximum of 46 dBA from the rooftop HVAC units. It is anticipated that the design would be no more than 43 dBA to ensure that a monitoring report, submitted after the building is complete, confirms that the noise levels are 46 dBA or less.

The Applicant believes that these modifications that constitute the FEIS Preferred Alternative Plan are responsive to the substantive comments made during the public review period, and that they further avoid or mitigate potential significant environmental impacts.

This FEIS is organized into three chapters:

- Chapter 1, "Project Description," describes the FEIS Preferred Alternative Plan changes from the DEIS Plan.

- Chapter 2, "Potential Impacts," provides an assessment of potential environmental impacts related to changes made to the proposed project and includes information such as additional analysis and detail in the FEIS Preferred Alternative Plan made in response to comments on the DEIS Plan.

- Chapter 3, "Response to Comments," responds to substantive comments received on the DEIS and is organized by sub-chapter according to the structure of the chapters and analysis within the DEIS. Copies of all comments, including the public hearing transcripts, are provided in the appendices to the FEIS (see Appendices B-1 through B-180 in Volume 2). The Comment Key, contained in Appendix A in Volume 2, identifies each correspondence received which contains substantive comments as an individual appendix, and where the comment and its response may be found in the FEIS.

E. Review Procedures and Process Background

On November 6, 2017, the Applicant submitted to the Planning Board an application seeking Site Plan Approval, a Wetlands Permit, a Conditional Use Permit, and Subdivision Approval. Also on November 6, 2017, the Applicant submitted a Zoning Petition with the Town Board to amend the Zoning Law to make "logistics centers" a defined term in the zoning code, allow logistics centers as a conditional use in the Town, make a logistics center a permitted conditional use in the OP-3 district, and rezone parcel referred to on the Putnam County Tax Map as Section 45, Block 1, Lot 4 from the RC District into the OP-3 District.

On November 27, 2017, the Planning Board declared its intent to be Lead Agency for the environmental review. The Planning Board received no objections to the Notice of Intent and declared itself Lead Agency on May 14, 2018.

The Applicant prepared a DEIS which was submitted in sections to the Planning Board starting on or about April 4, 2018, and a full document was submitted to the Planning Board on May 11, 2018.

The Planning Board directed its consultants to review the draft DEIS prepared by the Applicant and to advise the Planning Board on the sufficiency of the document for purposes of commencing public review.

The Applicant submitted a revised DEIS to the Planning Board on June 8, 2018, which responded to the comments from the Planning Board and its consultants. On June 14, 2018, the Planning Board issued a Positive Declaration under SEQRA for the proposed project, determined the DEIS was complete for purposes of commencing public review and issued a Notice of Completeness for the DEIS. The DEIS duly distributed and made accessible on the Town of Southeast website and in hard-copy format in Town Hall and the Brewster Public Library. Public Hearings on the DEIS were duly noticed and held on

July 9, 2018, and July 23, 2018, with written comments were accepted by the Planning Board until the close of business on August 31, 2018, or almost 40 days following the close of the public hearing.

The DEIS is hereby incorporated by reference into this FEIS. Any terms relating to the description of the proposed project described in the DEIS are also used within this FEIS.

Pursuant to SEQR regulations, the Planning Board is required to adopt an Environmental Findings Statement based on the environmental review record before it or any other Involved Agency in this SEQRA review may take action on the project.

This FEIS fully anticipates all permitting and/or entitlements required for the project, including, but not limited to, the Applicant's application for a site plan conditional use permit, subdivision approval, and local wetland permit for the proposed warehouse/distribution facility. Accordingly, this FEIS and related environmental findings will be applicable to the below noted approvals.

At its July 27, 2020 meeting, the Planning Board accepted the FEIS, dated July 2020, as complete and set a public hearing for September 14, 2020, at which the board will consider comments on the FEIS before adopting a written findings statement.

The FEIS includes responses to comments received regarding the DEIS as well as changes to the proposed project that reflect comments made during the public review period.

F. Required Approvals

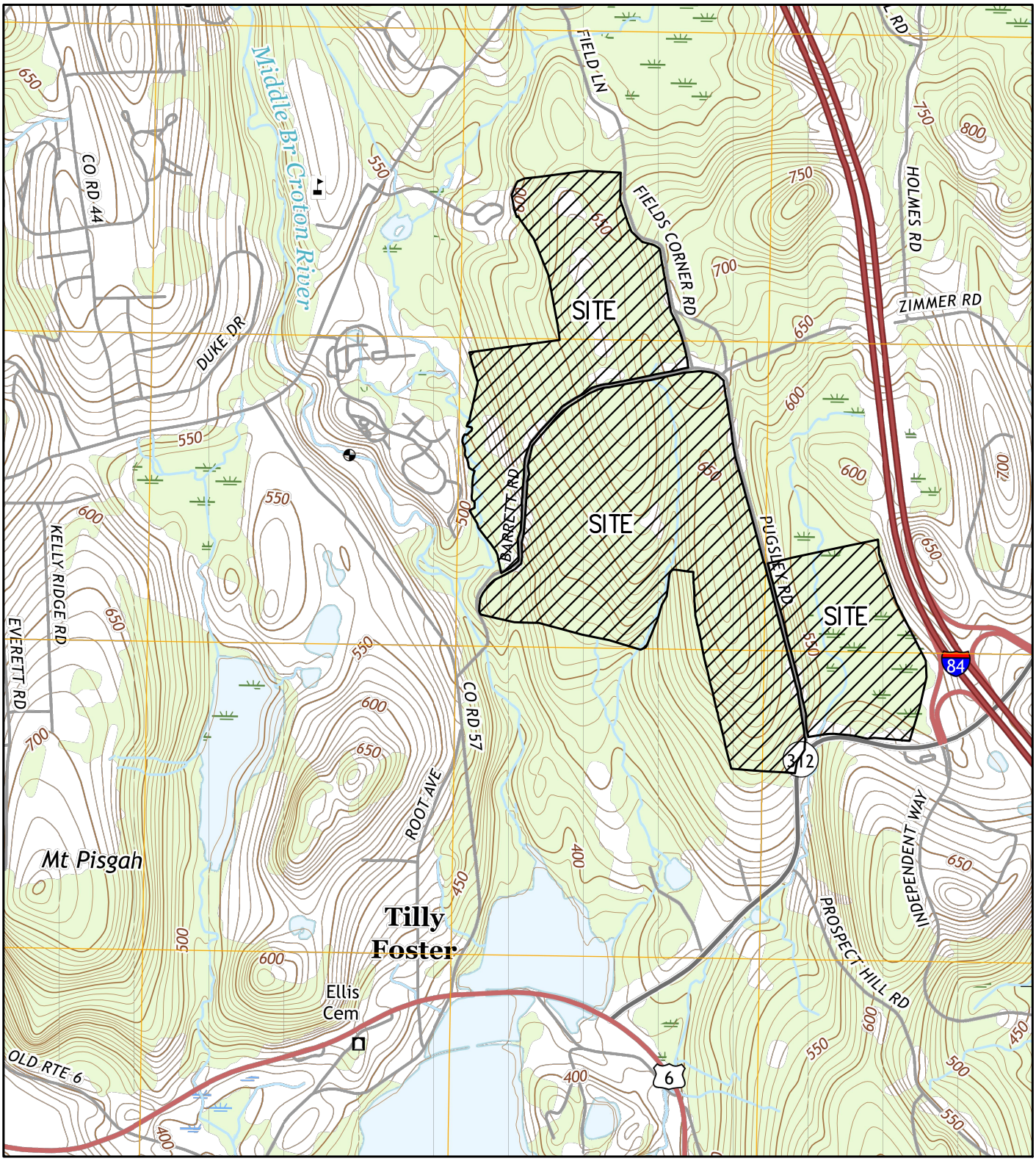
The list of involved and interested agencies, required permits and approvals, and interested parties is provided below.

Table I-1
Project Reviews and Approvals Required

Involved Agency	Type of Approval/Review
Southeast Town Board	• Special Permit • Demapping of Barrett Road • Highway Access Extension Review and Recommendation to NYSDOT
Southeast Planning Board	• Site Plan Approval • Subdivision Approval • Local Wetland Permit
Putnam County Planning Department	• GML 239 Review
Putnam County	• Land Acquisition
Putnam County Department of Health (PCDOH)	• Commercial Subsurface Treatment System Approval • Realty Subdivision • Non-Transient, Non-Community Public Water Supply
New York City Department of Environmental Protection (NYCDEP)	• Stormwater Pollution Prevention Plan Review • Commercial Subsurface Treatment System Review
New York State Department of Environmental Conservation (NYSDEC)	• Article 24 Freshwater Wetlands Permit • SPDES Stormwater Permit • 401 Water Quality Certification • Article 17 SPDES Permit for Septic
New York State Department of Transportation (NYSDOT)	• Highway Work Permit • Access Highway Extension Approval
U.S. Army Corps of Engineers	• Individual Permit (Wetlands) • Section 404 Permit (dredged or fill materials)
Town of Southeast Highway Department	• Permit for modifications to Pugsley Road
Town of Southeast Architectural Review Board	• Architectural Review

Interested Agencies

- Town of Patterson
- Putnam County Sheriff's Department
- NY State Police, Troop K, Zone 2, Brewster Barracks
- Brewster Fire Department
- Office of the NYS Attorney General, Watershed Inspector General, Environmental Protection Bureau



COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

SITE LOCATION MAP

DATE: 03/2019 — JMC PROJECT: 14012

FIGURE: I - 1 — SCALE: 1" = 1,500'

120 BEDFORD RD
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NY 10504

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fax 273-2102

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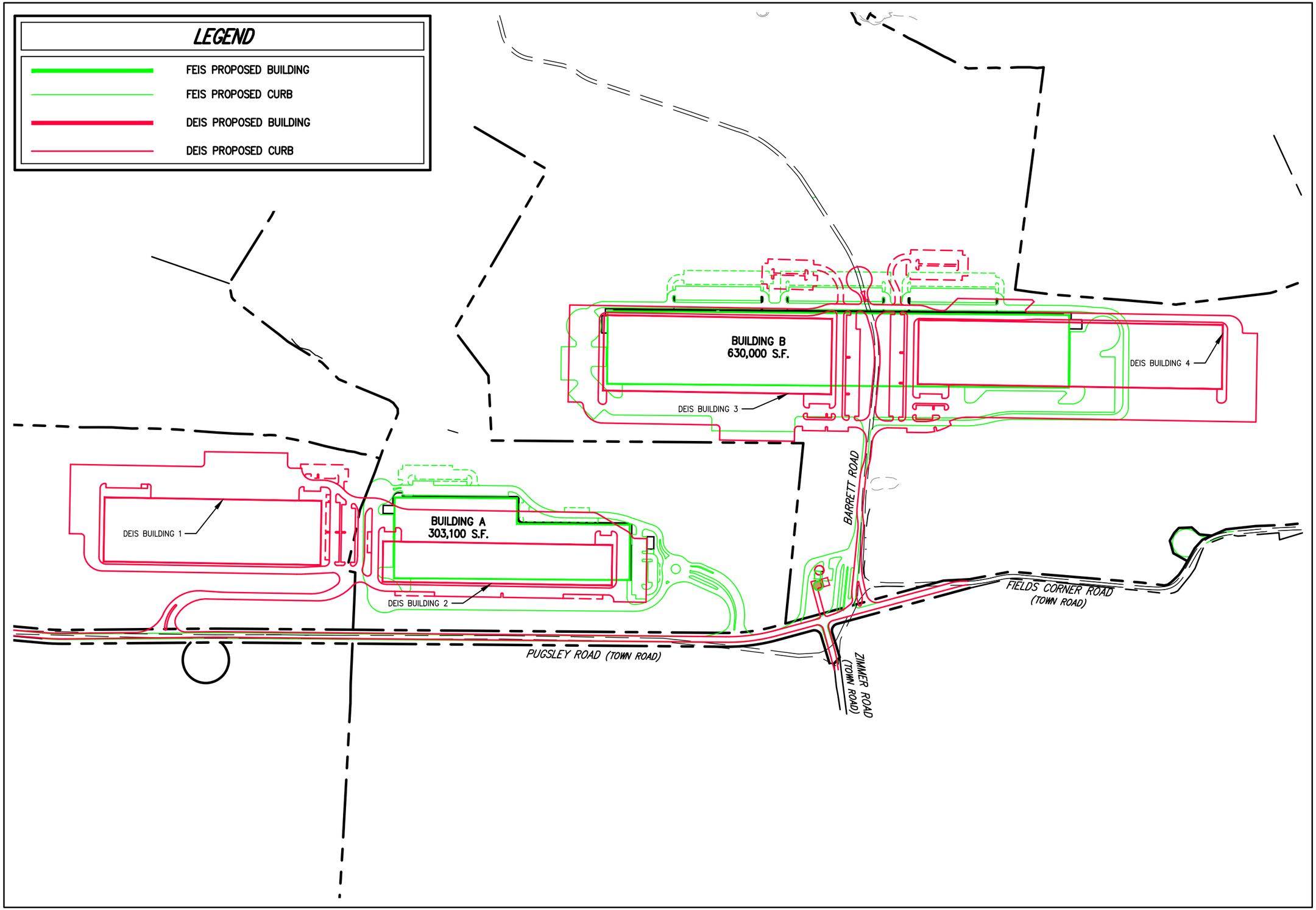

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COMMERCIAL CAMPUS AT FIELDS CORNER

TOWN OF SOUTHEAST, NEW YORK

NY 312 & PUGSLEY ROAD

FEIS VS. DEIS LAYOUTS

JMC PROJECT: 14012

SCALE: 1" = 400'

DATE: 05/2019

FIGURE: I-2

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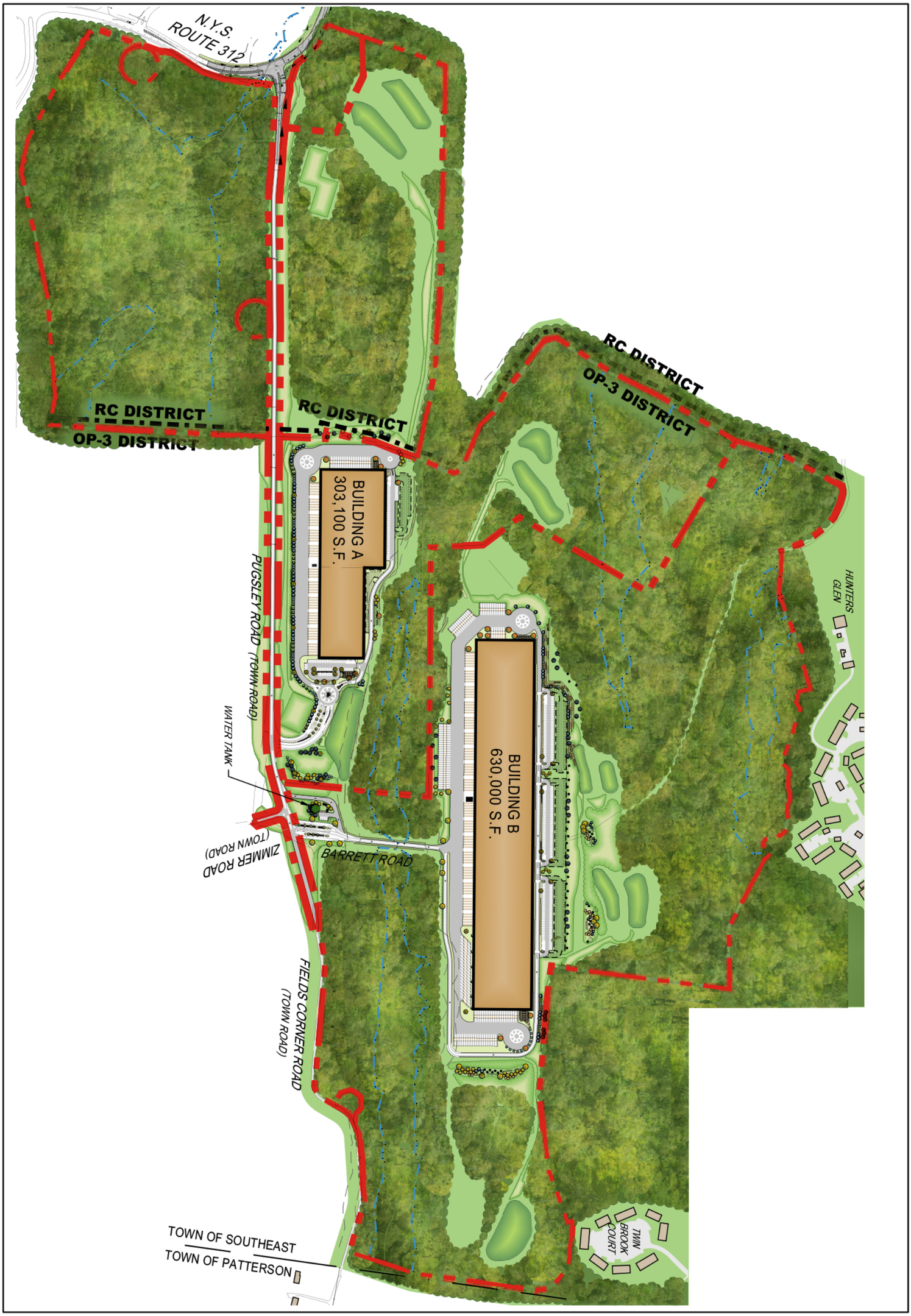

COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

PREFERRED ALTERNATIVE SITE PLAN

DATE: 03/2019 — JMC PROJECT: 14012

FIGURE: I-2 — SCALE: N.T.S

120 BEDFORD RD
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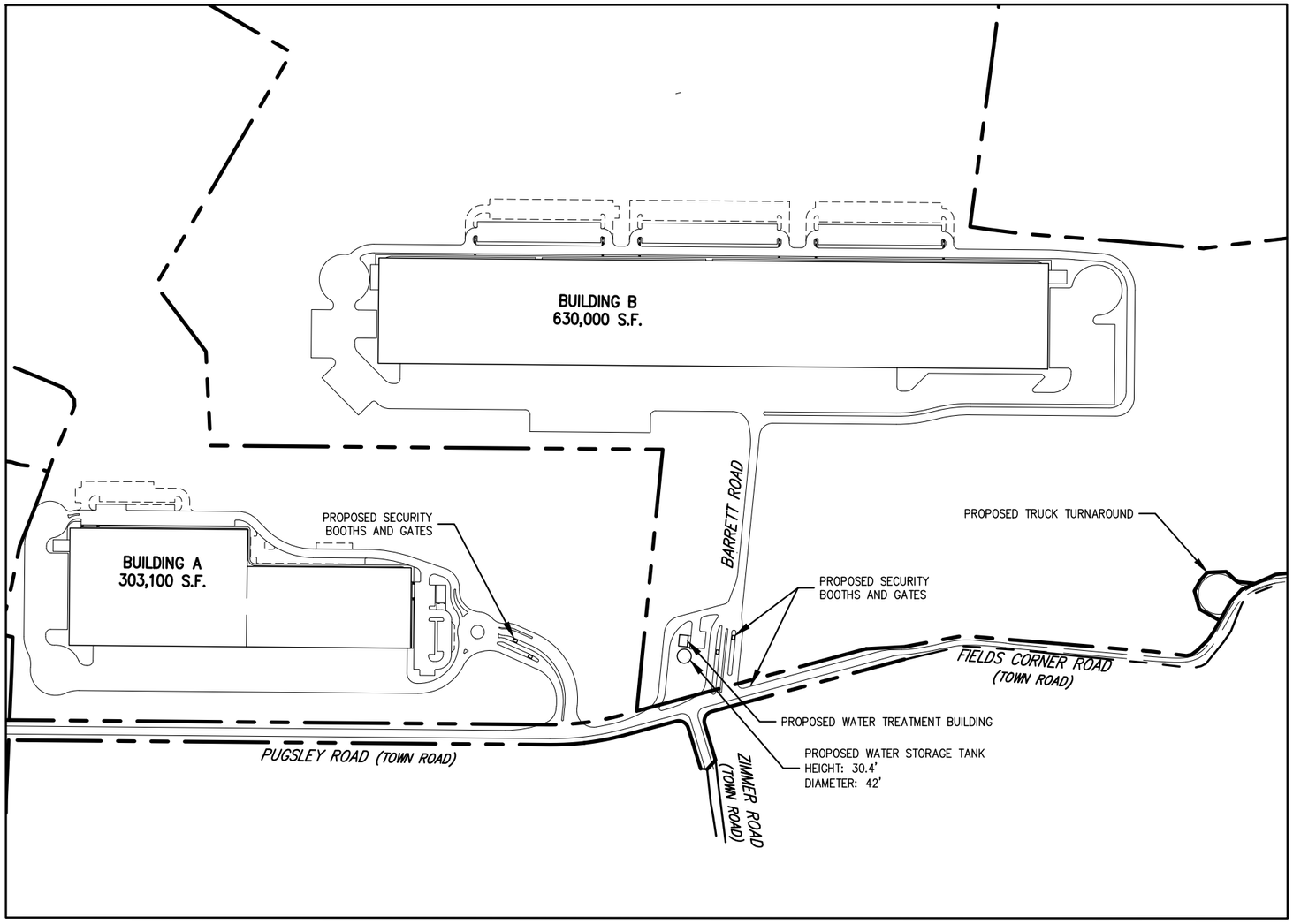

TABLE OF LAND USE

PROPOSED USE: LIGHT MANUFACTURING
EXISTING/PROPOSED ZONING DISTRICT: OFFICE PARK OP-3 DISTRICT[1]

DESCRIPTION		REQUIRED /PERMITTED	PROVIDED	
			LOT 2	LOT 3
LOT AREA (MINIMUM)	(SQUARE FEET/ACRES)	100,000/2.30	±2,809,882/±64.51	±7,162,767/±164.43
LOT WIDTH (MINIMUM)	(FEET)	400	400	±2,320
LOT FRONTAGE (MINIMUM)	(FEET)	400	±1,875	±2,885
LOT DEPTH (MINIMUM)	(FEET)	400	±780	±965
BUILDING HEIGHT (MAXIMUM)	(FEET/STORIES)	45/3	44/1	44/1
GROSS FLOOR AREA (MAXIMUM)	(SQUARE FEET)	(SEE NOTE 2)	303,100	630,000
BUILDING COVERAGE (MAXIMUM)	(PERCENT)	25	10.8	8.8
LOT COVERAGE TOTAL (MAXIMUM)	(PERCENT)	55	23.9	19.4
OPEN SPACE (MINIMUM)	(PERCENT)	45	76.1	80.6
BUILDABLE AREA CALCUATIONS[3]				
STATE DESIGNATED WETLANDS	(SQUARE FEET/ACRES)	–	±117,272/±2.69	±717,629/±16.47
SLOPES OVER 25% IN GRADE	(SQUARE FEET/ACRES)	–	±111,012/±2.55	±402,968/±9.25
TOTAL DEDUCTIONS (50%)	(SQUARE FEET/ACRES)	–	±114,142/±2.62	±560,299/±12.86
NET BUILDABLE AREA	(SQUARE FEET/ACRES)	–	±2,695,740/±61,89	±6,602,468/±151.57
FLOOR AREA RATIO (MAXIMUM)[3]	(RATIO)	0.15/0.25[4]	0.112	0.095
YARDS				
FRONT BUILDING SETBACK	(FEET)	100/50[5]	196	100
REAR BUILDING SETBACK	(FEET)	50	250	82
SIDE BUILDING SETBACK	(FEET)	50	120	120
PARKING SETBACKS				
FRONT PARKING SETBACK	(FEET)	50/25[5]	144	573
REAR PARKING SETBACK	(FEET)	25	185	150
SIDE PARKING SETBACK	(FEET)	25	81	50
PARKING REQUIREMENTS				
REQUIREMENT	(SEE PARKING AND LOADING TABLE)	–	119	248
STANDARD SPACES PROVIDED		–	242	499
ACCESSIBLE SPACES PROVIDED		–	8	12
TOTAL PROVIDED		–	250	511
LOADING REQUIREMENTS				
REQUIREMENT	(1 SPACE PER 40,000 S.F.)	–	8	16
PROVIDED		–	54	87

TABLE OF LAND USE NOTES:

(1) PROPOSED LOTS 2, 3, AND 8 ARE LOCATED WHOLLY WITHIN THE OP-3 DISTRICT. PROPOSED LOTS 1, 4, 5, 6, AND 7 ARE PROPOSED TO REMAIN ZONED IN THE RC DISTRICT.

(2) MAXIMUM PERMITTED GROSS FLOOR AREA PER LOT IS EQUIVALENT TO 0.25 OF THE NET BUILDABLE AREA:

LOT 2: 589,849 SQUARE FEET
LOT 3: 1,732,397 SQUARE FEET
TOTAL: 2,322,246 SQUARE FEET

THE TOTAL PROPOSED GROSS FLOOR AREA OF 933,100 SQUARE FEET IS 40 PERCENT OF THE TOTAL PERMITTED GROSS FLOOR AREA.

(3) "FLOOR AREA RATIO" IS DEFINED BY THE ZONING CODE AS THE GROSS FLOOR AREA IN SQUARE FEET OF ALL BUILDINGS ON A LOT DIVIDED BY THE AREA OF SUCH LOT IN SQUARE FEET. "BUILDABLE AREA" IS DEFINED BY THE ZONING CODE AS ALL LAND MINUS 50% OF THE ACREAGE OF STATE DESIGNATED WETLANDS AND 50% OF THE ACREAGE OF SLOPES OVER 25% IN GRADE.

(4) A FLOOR AREA RATIO OF 0.15 SHALL NOT BE EXCEEDED WITHOUT A TRANSPORTATION DISTRICT IN PLACE OR UNTIL THE ROAD IMPROVEMENTS NECESSARY TO ACCOMMODATE THE ADDITIONAL DEVELOPMENT ARE MADE.

(5) FRONT YARD AND FRONT YARD PARKING SETBACK REQUIREMENTS MAY BE REDUCED BY UP TO 50% FOR ANY STREET OR ROAD OTHER THAN STATE OR COUNTY ROAD OR HIGHWAY.

PARKING AND LOADING TABLE

DESCRIPTION	BUILDING SIZE (S.F.)	ANTICIPATED EMPLOYEES[1][2] (1 EMPLOYEE / 1,695 S.F. ON MAXIMUM SHIFT)	TOWN PARKING REQUIREMENT (1 SPACE / 1.5 EMPLOYEE ON MAXIMUM SHIFT)	PARKING PROVIDED			LOADING DOCKS AND TRAILER SPACES		
				PROPOSED	LANDBANKED	TOTAL PROVIDED (0.81 SPACE / 1,000 S.F.)	LOADING DOCKS	TRAILER PARKING	TOTAL PROVIDED
BUILDING A	303,100	179	119	119	131	250	54	19	73
BUILDING B	630,000	372	248	248	263	511	87	123	200
TOTAL	933,100	551	367	367	394	761	141	142	273

PARKING AND LOADING TABLE NOTES:

(1) THE ANTICIPATED NUMBER OF EMPLOYEES IS BASED ON THE RATIO OF EMPLOYEES TO SQUARE FEET OF FLOOR AREA ON THE MAXIMUM SHIFT PUBLISHED BY ENERGYSTAR.GOV FOR TYPICAL WAREHOUSE SPACE. NEW CONSTRUCTION HIGHLY MECHANIZED WAREHOUSE SPACES TYPICALLY HAVE LOWER EMPLOYEE DENSITIES.

(2) SEPTIC AREAS HAVE BEEN CONSERVATIVELY SIZED FOR THE POTENTIAL DAILY EMPLOYEE TOTALS:

- BUILDING A: 375 EMPLOYEES
- BUILDING B: 665 EMPLOYEES
- TOTAL: 1,040 EMPLOYEES

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COMMERCIAL CAMPUS AT FIELDS CORNER
TOWN OF SOUTHEAST, NEW YORK
NY 312 & PUGSLEY ROAD

PROPOSED SITE PLAN WITH DIMENSIONAL TABLES

JMC PROJECT: 14012

REVISED: 10/2019
DATE: 05/2019

SCALE: 1" = 400'

FIGURE: I-4

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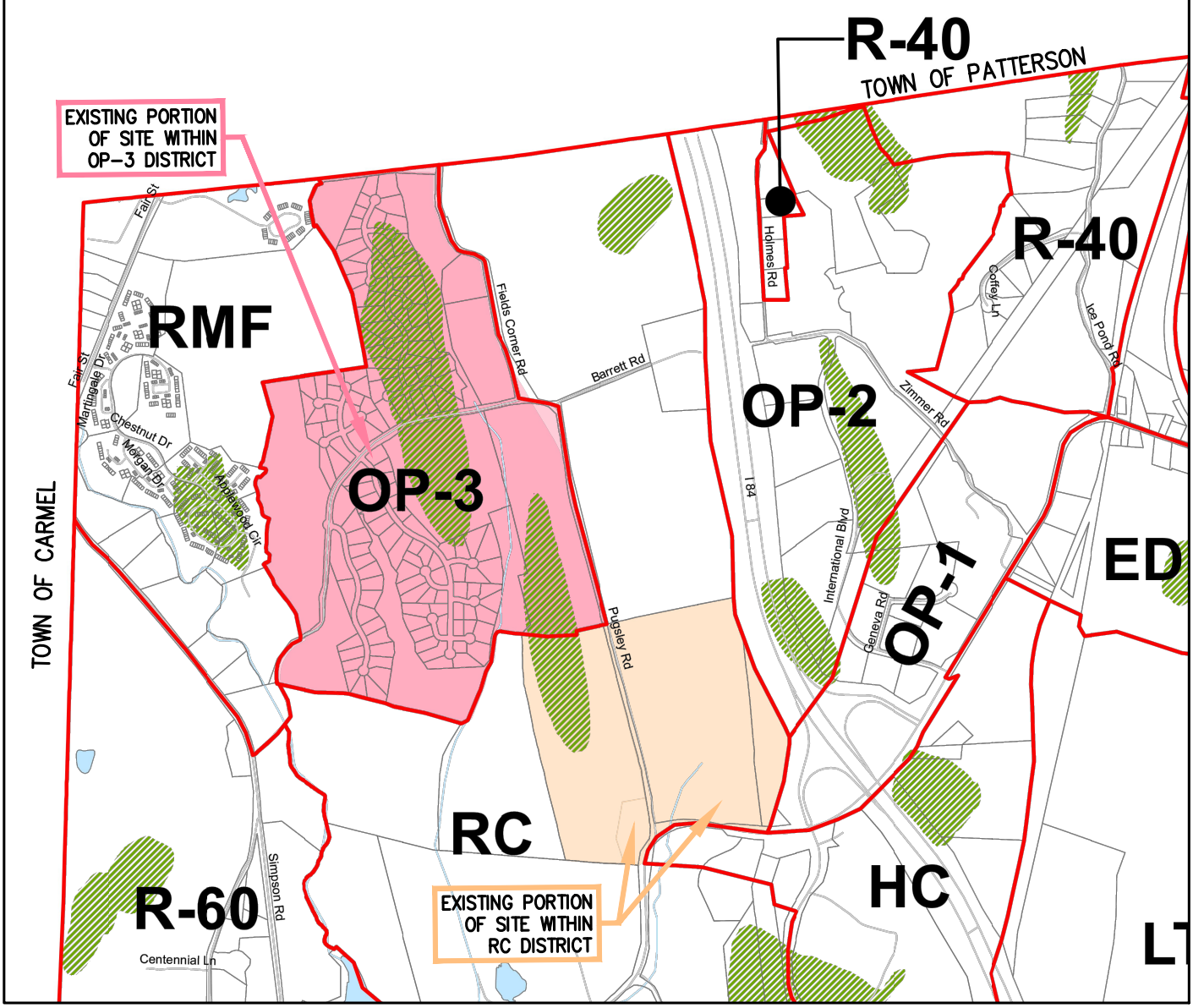
14012-FEIS-FIGURES.dwg; FEIS-COVER.tab; FEIS-COVER-FIG.scr

Zoning Map

R-160	Residence R-160 District	HC	Highway Commercial District
R-60	Residence R-60 District	GC	Gateway Commercial District
R-40	Residence R-40 District	SR-6	Special Route 6 Area District
R-20	Residence R-20 District	ED	Economic Development ED District
RMF	Residence RMF District	OP-1	Office Park OP-1 District
NB	Neighborhood Business District	OP-2	Office Park OP-2 District
LTW	Lake Tonetta Watershed District	OP-3	Office Park OP-3 District
RC	Rural Commercial District	SR-22	Special Route 22 District
	Zoning District Boundaries		Ridgeline Overlay District



COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

ZONING MAP

DATE: 03/2019 — JMC PROJECT: 14012

FIGURE: I-5 — SCALE: 1" = 1,500'

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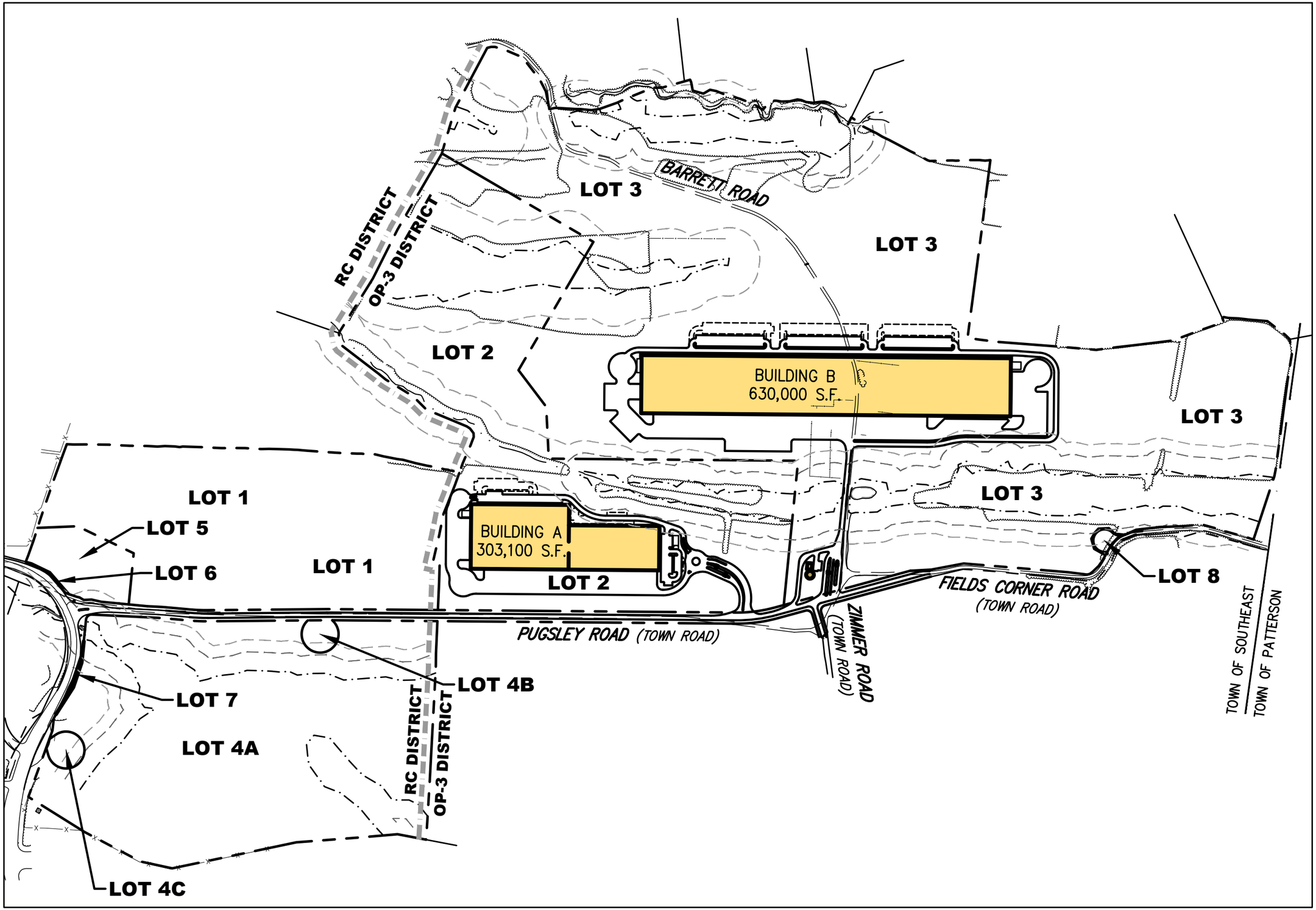

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COMMERCIAL CAMPUS AT FIELDS CORNER
NY 312 & PUGSLEY ROAD
TOWN OF SOUTHEAST, NEW YORK

JMC PROJECT: 14012

SCALE: 1" = 500'

PROPOSED LOT MAP

REVISED: 03/2019
DATE: 06/2018

FIGURE: I-6

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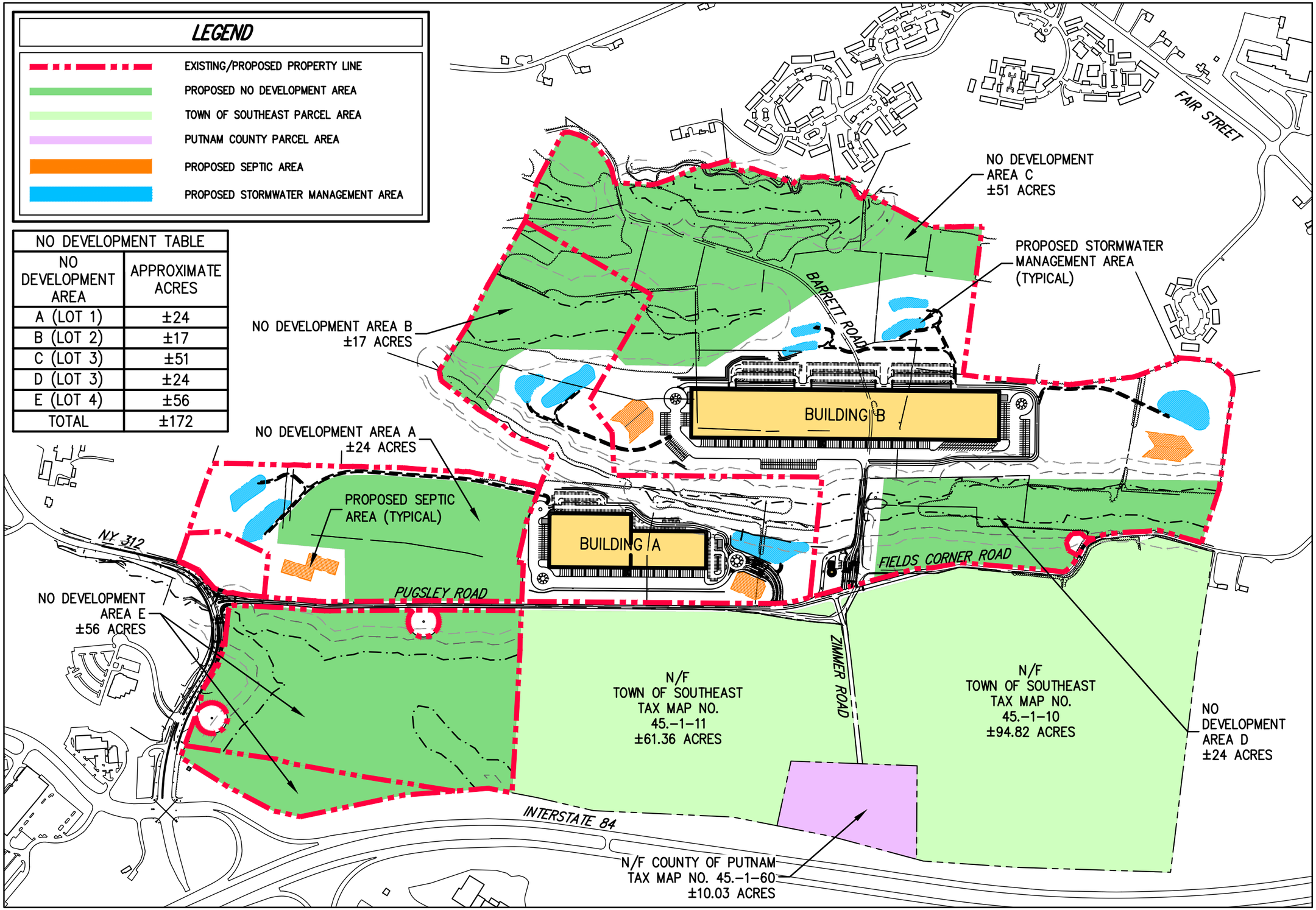
14012-COVER-SHEET.dwg; PROP-TAX-LOT.tab; 9_COVER.scr

LEGEND

- EXISTING/PROPOSED PROPERTY LINE
- PROPOSED NO DEVELOPMENT AREA
- TOWN OF SOUTHEAST PARCEL AREA
- PUTNAM COUNTY PARCEL AREA
- PROPOSED SEPTIC AREA
- PROPOSED STORMWATER MANAGEMENT AREA

NO DEVELOPMENT TABLE	
NO DEVELOPMENT AREA	APPROXIMATE ACRES
A (LOT 1)	±24
B (LOT 2)	±17
C (LOT 3)	±51
D (LOT 3)	±24
E (LOT 4)	±56
TOTAL	±172



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COMMERCIAL CAMPUS AT FIELDS CORNER
TOWN OF SOUTHEAST, NEW YORK

NY 312 & PUGSLEY ROAD

NO DEVELOPMENT AREAS

JMC PROJECT: 14012

SCALE: 1" = 600'

REVISED: 08/2019
REVISED: 06/2019
DATE: 03/2019

FIGURE: I-7

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14012–LAYOUT.dwg; CONSERVATION.tab; CONSERVATION.scr

II. POTENTIAL IMPACTS AND MITIGATION MEASURES

A. Introduction

This chapter provides an assessment of potential environmental impacts related to changes made to the proposed project and includes information such as additional analysis and detail on the FEIS Preferred Alternative Plan made in response to comments on the DEIS Plan.

As discussed in Chapter 1, "Project Description", the changes made in the Preferred Alternative Plan versus the DEIS Plan are numerically summarized in Table II-1 "FEIS vs. DEIS Comparison Table."

Table II-2, "Table of Development Plans Comparison" provided in Appendix II-1B, compares the environmental development areas of the DEIS, FEIS and the approved/planned Mixed Use from the 1992 two (2)-phased development plan. The changes from the Preferred Alternative Plan versus the DEIS Plan are described in more detail below and in Appendix II-1A.

In summary, the Applicant believes that themodifications that constitute the FEIS Preferred Alternative Plan are responsive to the substantive comments made during the public review period, and that, as a result, the project's potential significant adverse environmental impacts have been avoided or mitigated to the maximum extent practicable.

B. Land Use and Zoning

Figure I-2 compares the proposed buildings associated with the DEIS and the FEIS Preferred Alternative in plan view (viewed from above) to illustrate the substantial plan modifications proposed by the Applicant in response to public, agency, and Planning Board comments.

The Preferred Alternative would maintain the existing RC Zoning District boundary and does not otherwise propose any zoning text or map changes (see Figure I-5). The Preferred Alternative would be located entirely within the Town's OP-3 District, where the proposed project is allowed by Special Permit as a "Light Manufacturing" use. The Town Code defines "Light Manufacturing" as "[i]ndustrial uses such as manufacturing, processing and assemblage that are of a nonpolluting nature, particularly in regard to reservoir and groundwater resources, noise and air quality." (Town Code § 138-4.) As the Town Building Inspector has determined, "processing and assemblage" are consistent with a warehouse and distribution facility. This interpretation is supported by the Town's 2014 Comprehensive Plan Update (CPU), which includes "warehousing and distribution facilities" in the "Industrial and Light Industrial" land use category. (See CPU, at 5-2, Table 5-1, and Figure 5-1.).

The Preferred Alternative is also consistent with the vision and goals of the Town's 2014 Comprehensive Plan Update of balancing a healthy economic environment with quality commercial character while protecting the integrity of the Town's natural resources and infrastructure. (See CPU, at 1-4.) The Preferred Alternative provides significant economic development for the Town in terms of direct, indirect, and induced jobs, as well as millions of dollars of direct, indirect and induced economic output during the construction phase and continuing annually during the operations phase (see Appendix 10-1).

The CPU also identifies this site as being within a potential commercial activity area. (See CPU, at Figure 7-1.) The CPU also recommends that this area is a "node of commercial activity" such that future potential development should be compatible with that vision. The Applicant submits that the proposed warehouse/distribution facility use, which preserves Route 312's rural character, meets this vision.

The Preferred Alternative conforms to the special permit criteria applicable to light manufacturing uses, which are set forth in Section 138-60 of the Town Code. Warehouse and distribution facilities are typically constructed from tilt-up (pre-caste concrete) or

other masonry. The one portion of the buildings that faces a street – the portion of Building A that faces Pugsley Road would certainly be constructed with masonry. (See Town Code § 138-60(A).) Architectural and landscaping plans would be submitted to the Planning Board. (See Town Code § 138-60(B).) Any outdoor storage areas that faces adjacent property and/or a street will be screened and delineated on the site plan. (See Town Code §§ 138-60(C) & (D).) The Town has already indicated that it intends to require as conditions of Special Permit and Site Plan Approval that no trucks access the site between the hours of 11:00 PM to 6:00 AM Monday through Saturday, and on Sunday trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM. (See Town Code § 138-60(E).) Finally, the Preferred Alternative contains appropriate buffers from adjoining properties, including substantial additional buffering distances as compared to the DEIS Plan from both Route 312 and the Twin Brook Manor development. (See Town Code § 138-60(F).)

The proposed project protects the Town's natural resources, with approximately 85% of the Applicant's property remaining as open space pursuant to the Town Code, adherence to the Town's ridgeline protection measures, provision of a substantial natural buffer from roadways and residential properties, and other measures to protect the area's rural community character.

With regard to the ridgeline, as a result of the consolidation of Buildings 3 and 4 into Building B and consequent increase of the distance of Building B from Twin Brook Manor (Figure II.B-2), many existing mature trees within the ridgeline would be preserved. The ridgeline associated with the southernmost buildings (Buildings 1 and 2 in the DEIS and Building A in the FEIS) has 40% less disturbance (-14.9 acres) and 75% fewer trees removed (-326 trees) under the Preferred Alternative Plan (Figures II.B-1 and II.B-1A). The impacts to the northernly ridgeline have also been reduced (9% less disturbance or -4.6 acres, and 3% or 9 fewer trees removed) under the Preferred Alternative Plan (Figures II.B-2 and II.B-2A).

The Applicant has proposed to place no-development area restrictions on approximately

172 acres of the overall 328 acre property (i.e., 65% of the property would remain undisturbed), including all of the property within the RC District (see Figure I-7). The no-development areas would prohibit any future building development in these locations.

The Town intends to require as conditions of Special Permit and Site Plan Approval that the Preferred Alternative facility shall not handle or store hazardous substances that are subject to regulation by the New York State Department of Environmental Conservation (NYSDEC) pursuant to 6 N.Y.C.R.R. Part 596. The NYSDEC is the State agency primarily responsible for the handling and storage of hazardous substances. The Preferred Alternative is not intended to handle or store hazardous materials in the magnitude or means subject to regulation by the NYSDEC. Rather, it would be handling and storing ordinary consumer goods that may contain trace elements of substances that are considered hazardous, such as nail polish, televisions, and computers.

No significant adverse land use or zoning impacts are anticipated to result from the Preferred Alternative Plan.

C. Traffic

Introduction

The Preferred Alternative would result in a significant reduction in the traffic projected to be generated by the project. The primary reason for the reduction in trips is less development. Mitigation measures for the project, including the widening of Route 312 to four lanes between Pugsley Road and the I-84 Eastbound intersection, as well as NYSDOT improvements currently under construction, would generally improve operations along Route 312 as compared to future No-Build conditions without the improvements.

Substantial Reduction in Project Traffic

As discussed in Section III.C.4 "Traffic", the Preferred Alternative's traffic reduction is apparent under any of the analytic paradigms used.

Background traffic is greatest at Rush Hour along Route 312 (7:30-8:30 AM and 5:00-6:00 PM) and project trip generation is greatest at Shift Change (typically at 7:00 AM and 3:00 PM), which is not during Rush Hour. For each timeframe, the traffic generated by the Preferred Alternative is less than the traffic generated by the larger project considered in the DEIS.

By way of example, during the peak weekday PM hour (Rush Hour) along Route 312, the trips generated by the Preferred Alternative project based on more recent ITE data would be reduced by approximately 183 trips, from 360 to 177, as compared to the project evaluated in the DEIS. During the weekday peak AM hour of the project generation (i.e., Shift Change), which would occur prior to the peak AM Rush Hour along Route 312, the Preferred Alternative generated volumes are projected using 10th Edition ITE data to reduce by 313 trips, from 472 to 159, as compared to the DEIS project.

Moreover, when analyzed as requested by the Town, local trip generation from the GAP facility in Fishkill and the Matrix Facility in Newburgh as shown on Table 4-1S within Section III.C.4, indicate that the Preferred Alternative would generate substantially (up to 85%) less traffic than was set forth in the DEIS for the original project. During the peak weekday PM Rush Hour along Route 312, trips could be reduced by 336 trips, from 360 to 24. During the weekday peak AM hour of the project generation (i.e., Shift Change), which would occur prior to the peak AM Rush Hour along Route 312, the project generated volumes could be projected to be reduced by 355 trips, from 472 to 117.

The results of the analysis illustrated on Table 4-2S within Section III.C.4 show that the proposed project generates under five percent (5%) of the traffic at all intersections during the Rush Hour based on the averaging of all counts analyzed impacts, with the exception of Pugsley Road and Route 312. The percentage of project generated traffic is less at the other signalized intersections along Route 312, such as the Route 6 intersection, which is expected to have an increase of only 1.8% or less based on the average of the four project generated traffic scenarios. Again, the Shift Change would occur at times when the overall traffic volume is lower.

Truck traffic is a part of the total traffic counts provided for the proposed project. Using recent ITE data, the DEIS project could have generated approximately 510 trucks trips (255 trucks entering and exiting) per weekday business day. ITE data indicates that the Preferred Alternative analyzed in this FEIS would result in a 17% reduction of traffic to 424 truck trips (212 trucks entering and exiting) per weekday business day. Most truck trips would be arriving from and departing to I-84. Inbound trucks would access the project from I-84 at Route 312 and would make the right turn onto Pugsley Road along a new Route 312 lane proposed by the Applicant. Trucks leaving the facility would access Route 312 via a traffic signal and proceed west on Route 312 to I-84 along the new 4 lane section of Route 312 with the proposed improvements. According to industry standards, the majority of truck trips are scheduled throughout the day and are not made during the peak Rush Hours along Route 312 or the facility's Shift Change.

The Town asked the applicant to research truck trip generation at the GAP facility in Fishkill and the Applicant also researched the Matrix Facility in Newburgh to assess the local truck trip generation projections. Using an average of the trips generated at these facilities and adjusting them to the comparable project size of the subject application, the experience at these facilities indicates that the Preferred Alternative would actually be projected to only generate 130 truck trips per day (or about 65 trucks entering/exiting each day), or less than a third of the trips projected based on the DEIS rates. Additionally, based on the local counts, approximately 60% of the trucks would be tractor trailers and 40% would be trailer cab or straight box trucks.

Mitigations Measures Would Improve Operations Along Route 312

Mitigation measures for the project, including the widening of Route 312 to four lanes between Pugsley Road and the I-84 Eastbound intersection, as well as NYSDOT improvements currently under construction, would generally improve operations along Route 312 as compared to future No-Build conditions without the improvements.

NYSDOT is currently constructing improvements to the three signalized intersections of Route 312 at the I-84 eastbound ramps/Independent Way, the I-84 westbound ramps and International Boulevard, which would coordinate the traffic signals to improve operating conditions in the area. NYSDOT also intends to provide a Route 312 westbound left turn lane into the park & ride lot, and partially extend the Route 312 eastbound two lane section to the vicinity of the Caremount driveway. These measures would also improve operating conditions in the area.

The applicant has proposed four primary improvements and mitigating measures to offset the impact of the proposed facility:

1) Widening Route 312: The first mitigation measure is to widen Route 312 from Pugsley Road to I-84 to provide four travel lanes. This improvement will add needed capacity to relieve current congestion and to facilitate movements for the facility to I-84.

2) Improved Traffic Signalization: The second improvement, together with the NYSDOT improvements currently under construction, is improved traffic signalization that responds better to existing conditions and facilitates better traffic movements.

3) Additional Turn Lanes: Third, the intersection of Pugsley Road and Route 312 would be substantially improved with additional turn lanes on Route 312 and

Pugsley Road, as well as an additional thru lane along Route 312 eastbound, and possibly Route 312 westbound (subject to the NYSDOT preference of improvement alternatives). The proposed traffic signal at the intersection will typically 'rest' with the green ball indications permitting the Route 312 traffic to travel through the intersection without stopping, and will change to a red indication along Route 312 when there is traffic waiting to access from Pugsley Road.

4) In conjunction with the areas within the OP-3 Zone that the Applicant had previously signaled its willingness to subject to no-development restrictions, approximately 172 acres, or more than half of the Applicant's property, would be subject to non-development restrictions.

These mitigation measures will add needed capacity and traffic management to better serve traffic conditions and integrate new traffic generated by the proposed facility into the traffic flow as seamlessly as possible while limiting further traffic generation by the property.

To prevent truck traffic from traveling to or leaving the site through Patterson, truck access to Fields Corner Road would be restricted. The Applicant would abide by the Town's preferred means for implementing this restriction. As currently preferred by the Town, the site plans propose two height restriction bars and two turnaround areas along Fields Corner Road within the Town of Southeast. Signs would be installed to prohibit commercial vehicles and enforced with a camera to record violations and violators. As currently is the case, Fields Corner Road would remain closed and not maintained to the north of the project during winter months.

The current intersection of Route 6 and Route 312 is scheduled to be improved with the Crossroads 312 project to provide dual left turns with a shared thru movement along Route 6 eastbound. Peak hour delays currently experienced at this intersection are existing movements to and from the Carmel area. The Proposed Project would have a limited impact on traffic operations at this location.

The DEIS included an ancillary retail component, comprising up to two percent of the building s.f. In response to traffic concerns expressed by the Town, the Applicant is no longer proposing the ancillary retail component as part of the Proposed Project, which also contributes to a 17% or more reduction in the projected project generated traffic.

At the I-84 bridge, it is projected that there would be more than sufficient capacity to accommodate the projected volumes, including traffic volumes from the Proposed Project and the Crossroads 312 project.

The Applicant is willing to donate nearly 4 acres to the County for use by Tilly Foster. If desired, the County could provide a second access to the Tilly Foster property and utilize the proposed traffic signal at the Route 312/Pugsley Road intersection.

A series of land exchanges are proposed to enable the modification of the right-of-way necessary for improvements to Pugsley Road and Route 312 (Drawing PE-1 in Appendix Volume 4.A, Part M). The Town would abandon the Barrett Road right-of-way to the Applicant, as discussed in Response 4-140, to enable the project to be moved 600 feet farther away from Twin Brook Manor than the DEIS Plan in response to public comments (for a total distance from Twin Brook Manor of approximately 1,210 feet).

The Town would require a Traffic Monitoring Plan (TMP) to be completed by the Applicant and submitted to the Town Planning Board within 6 months of the occupancy of the first of the two buildings completed, and within 6 months of the full development and occupancy of the Proposed Project. The final details of the TMP would be included in the Statement of Findings. The Applicant would work with the Town to correct operations if necessary in the unanticipated event that actual operations discussed below differ from the Proposed Project Conditions of Approval specified in the Site Plan Approval Resolution. The currently anticipated TMP will consist of the items listed below. Items 1-5 would be included in the Applicant's tenant leases.

1. Confirm there are no truck deliveries between 11:00 PM and 6:00 AM.

2. Confirm that trucks parking on the site is only within the designated truck loading and trailer parking spaces shown on the project site plan approval drawings.

3. Confirm there is no manned overnight layover of trucks.

4. Confirm trucks are not idling on-site in excess of State guidelines and/or local regulations.

5. Fields Corner Road would remain a seasonal road that is closed north of the current Barrett Road intersection during the winter. The Applicant shall install height clearance bars and gates. The Applicant shall install video cameras to monitor truck traffic along Fields Corner Road, as well as signs indicating the prohibition of commercial trucks and the progressive fines currently established by the Town for restricted road use violations. The Applicant would record the video information on a 24 hour loop and the video monitoring would be provided to the Town and/or the Putnam County Sheriff's Department if requested to determine whether tickets should be issued. Should it be found that the traffic levels on Fields Corner Road exceed those predicted under the traffic analysis in the FEIS, the gate shall be closed, except for use by emergency vehicles.

6. Confirm project generated traffic volumes do not exceed the volumes analyzed in the FEIS as the Sensitivity Analysis scenario during the Peak Weekday AM (7:30-8:30 AM) and PM (5:00-6:00 PM) Hours along the area roadways (Route 312) and the Peak Saturday Midday Hour (12:15-1:15 PM). If the project generated volumes exceed the Sensitivity Analysis volumes during the peak roadway hours, the Applicant will coordinate with its tenants to adjust work shift hours. The volume thresholds are 364 trips on a weekday

from 7:30-8:30 AM, 426 trips on a weekday from 5:00-6:00 PM and 121 trips on Saturday from 12:15-1:15 PM.

7. Record travel speeds along Pugsley Road for 24 hours with automatic traffic recorders (ATR) to determine the average and 85th percentile travel speed. Based on the results of the study, the roadway posted speed limit could potentially be reduced to 25 MPH if determined to be appropriate by the Town and/or the Applicant could be required to install radar speed signs on Pugsley Road.

8. Provide the number of visitors and employees that utilize Metro-North to the project site so that the need for a jitney can be assessed by the project owner and/or tenants.

9. The operator of the facility shall have an agreement in place with all the trucking companies that require the use of approved routes to and from the facility. Trucks shall not use local roads, and shall face fines or suspension of business with the facility if found not in compliance.

The Preferred Alternative would result in impacts based on Level-of Service (LOS)/Delay and/or Queue for individual vehicle movements/lane groups at the following intersections. The impact comparison is very conservative since the site generated volumes conservatively do not reflect the net increase above the traffic volumes associated with the previously approved 143 residential units and planned commercial development.

- Route 6 and Route 312 (AM and PM peak hours)
- Route 312 and Prospect Hill Road (AM and PM peak hours)
- Route 312 and Independent Way/I-84 Eastbound Ramps (AM, PM, and Saturday peak hours)

To address these impacts, the Applicant met with the Town representatives and

NYSDOT on 1/7/2020 to review the Preferred Alternative and develop appropriate mitigation for these locations. The Project would only on average contribute 1.3 percent of the weekday peak hour volumes at these intersections (shown on Table 4-2S in the FEIS), and the Project's projected peak hour traffic volumes on Prospect Hill Road turning onto Route 312 are not expected to be significant enough to impact whether or not the intersection volumes satisfy the warrant analysis. As such, the measures discussed below constitute more than adequate mitigation measures for these intersections, and, in fact, constitute a major step toward addressing pre-existing issues along Route 312. The following mitigation measures were recommended and agreed to by the Applicant:

- A traffic signal Warrant Analysis of the Route 312/Prospect Hill Road intersection shall be prepared within three months of full occupancy. The analysis shall consider the variety of warrants available and justify the signal using at least two warrants per NYSDOT direction.
- If warranted and approved by NYSDOT, the signal would be designed, installed and coordinated with the four other existing and proposed signals along Route 312 to Independent Way.
- A corridor study shall be prepared within six months of full occupancy along Route 312 from Prospect Hill Road to International Boulevard to determine the need and recommendations for revised Time-of-Day traffic signal plans. The corridor study shall include the weekday AM, PM and Saturday peak hours using SimTraffic software per NYSDOT guidance.
- If the traffic signal is not approved by NYSDOT, other traffic signal technologies could be implemented as may be identified in the corridor study.
- The Applicant shall escrow $150,000 as a cap on its "fair share" contribution to the design and installation of a traffic signal at the intersection of Route 312/Prospect Hill Road, or other signal technologies identified in the corridor study. The Applicant and its consultants shall be responsible for preparing the Warrant Analysis within three months of full occupancy of the project, and

costs incurred by the Town to review the Warrant Analysis shall be deducted from the $150,000 escrow.

D. Visual Resources

In response to public comments and feedback from Town officials, the Preferred Alternative Plan has been significantly reduced in size as compared to the DEIS Plan. This substantially reduces the projects already limited visual impacts when compared to the DEIS Plan. The four proposed buildings in the DEIS Plan have been consolidated into two buildings and reduced in size by approximately 17% under the Preferred Alternative Plan. As shown on Figures I-3 and on Table II-1, the Preferred Alternative Plan provides substantial additional buffering distances as compared to the DEIS Plan from both Route 312 and the Twin Brook Manor development. A combination of distance, intervening topography, and dense existing vegetation would completely obscure the visibility of Building A from Route 312 and preserve the rural character of this area.

The Preferred Alternative Plan doubles the distance between the project and Twin Brook Manor, meaning that the Hunters Glen and Twin Brook Manor communities would both be approximately a quarter-mile from the project. Building B, the nearest building to the Twin Brook Manor residences, would be approximately 1,210 feet distant, as opposed to approximately 600 feet for Building 4 in the DEIS Plan. Moreover, as the result of the consolidation of Buildings 3 and 4 into Building B, many existing mature trees within the ridgeline would be preserved. In addition, an approximately 12-foot high berm is proposed on the site to further visually block Building B and act as a noise barrier for Twin Brook Manor. The distance from the nearest project building (Building B) to the Hunter's Glen residences is approximately 1,415 feet, or just over a quarter mile.

Furthermore, in response to comments from the residents of Hunters Glen and Twin Brook Manor, the site lighting has been redesigned so that no general illumination wall pack lighting would be attached to the western and northern portions of Building B facing the developments. In addition, the parking lot light poles would be reduced from 30 feet

to 20 feet high. The lighting would be fully shielded, such that there would be no light spillage off the property towards Hunters Glen or Twin Brook Manor. The proposed lighting would also be dark sky compliant.

As described in the DEIS, the colors of the buildings would also minimize the visibility of the buildings by blending them into the surroundings. The buildings would be predominately medium to dark green as well as grey colors. The green colors would be similar to natural green colors of vegetation. No bright colors are proposed. Preliminary building elevations showing the building colors and design are provided in Figure II.B-3. All colors would be subject to review and recommendation by the Town's Architectural Review Board.

The proposed project would not be visible from the vast majority of units within Hunters Glen during the leaf-on (summer) and leaf-off (winter) conditions. The proposed project would also not be visible from the units within Twin Brook Manor during the leaf-on condition, however, there may be some minimal visibility from the units nearest to the project site during the leaf-off condition. Any visual impacts would be minimized by the preservation of substantial areas of existing mature trees and habitat, construction of a proposed 12-foot high berm, as well as additional proposed evergreen landscaping planted in the "gaps" where the buildings may be visible from the developments. In response to comments, additional evergreens are proposed to be planted on the properties of Hunters Glen and Twin Brook Manor, subject to the approval of the boards of Hunters Glen and Twin Brook Manor respectively, and in coordination with the Planning Board or its designee to further buffer the buildings from residents. A total of up to 50 trees (cumulative total of both developments) would be planted by the Applicant to mitigate the potential visual impact.

The project would also be generally imperceptible from most other locations in the Town. Additional visual analyses have been prepared as requested. The analyses are based on a synthesis of photos taken at various locations with the same computer modeling utilized in the DEIS, as updated to reflect the reduced Preferred Alternative Plan. The computer

simulations utilize existing and proposed topographic information as well as Light Detection and Ranging (lidar) data to accurately reflect the relationships between the various viewpoints and the proposed Buildings, including where existing grades that will remain will result in the Buildings not being visible and/or if vegetation will minimize the visibility. These additional analyses confirm that the project will not be visible from most off-site locations.

Nelson Boulevard & Drewville Road

In the first instance, the Nelson Boulevard/Drewville Road intersection is more than two miles from the closest proposed Building, which in itself would minimize the project's visual impacts from this location. Moreover, potential views from along Nelson Boulevard were analyzed, and this analysis shows that the Preferred Alternative Project would not be visible along this Road, including because a variety of evergreen trees and other vegetation lines the majority of the roadway. Much of Drewville Road also has trees and other vegetation adjacent to the roadway which obscure views of the project. The analysis shows that the project would be visible from the intersection of the two roadways. As shown in Figure II.D-1 and II.D-2, portions of the southern sides of Building B would be visible when the project is completed. A combination of evergreen and deciduous trees would be planted along the southern side of Building B to minimize its off-site visibility.

NYS Route 6 as it crosses over the Middle Branch Reservoir

As shown in Figure II.D-3, the proposed buildings would not be visible from Route 6 based on the leaves on condition. The outlines of the proposed buildings have been superimposed on the photograph to depict the locations of the buildings. During the winter leaves off condition, existing tree branches are expected to screen the potential visibility of the buildings, as shown in Figure II.D-4.

Hunters Glen and Twin Brook Manor

The Applicant has made a substantial effort to evaluate potential views from the Hunters Glen and Twin Brook Manor developments. Figures II.D-5 and II.D-6 are photos taken

by a drone flown on July 2018 at the center (west side) and southwest corner, respectively, at the height of the top of the proposed Building B and facing towards the Hunters Glen development. The drone photos reflect the variations in topography as well as the mature trees and other vegetation which would minimize the visibility of the proposed buildings. The photos demonstrate that the large majority of Hunters Glen units could not be seen and relatively few windows would be visible from the uppermost points of the proposed buildings. The drone photos also confirm that Twin Brook Manor would not be visible (see Figure II.D-6B).

Ground photos were also taken within the Hunters Glen and Twin Brook Manor developments. The proposed buildings would not be visible with the leaves on condition from the vast majority of units within Hunters Glen. Figures II.D-7 through II.D-10 show the view from the entrance to the Hunters Glen development, as well as from the closest units, which are more than 1,400 feet from the proposed buildings, with the proposed building perimeters superimposed for illustrative purposes on the photos. During the winter leaves off condition, there may be limited views, yet existing tree branches would minimize the potential visibility of the buildings. As shown on Figures II.D-11 and II.D-12, the proposed buildings are not expected to be visible from Twin Brook Manor at any time of year.

In an effort to provide assurance to the residents of both the Hunters Glen and Twin Brook Manor, as well as to the Town, of the Applicant's commitment to minimize any visibility of the proposed buildings, the Applicant is willing to place funds in escrow for the planting of up to 50 evergreen trees (total) to be planted if desired within Hunters Glen and Twin Brook Manor. The locations of trees to be planted could be determined by a consensus of the Town planning consultant and the presidents of the Homeowners Associations of those communities. The Town planning consultant could evaluate whether the installation of up to 50 total trees should be divided proportionately based on the number of units at each development, or based on other criteria as may be desired. It is recommended that the escrow be funded for up to one year subsequent to the completion of Building B.

Tilly Foster Farm

Figures II.D-13 through II.D-16 show that the proposed buildings are not expected to be visible from Route 312 at Tilly Foster Farm or from within Tilly Foster Farm during either the leaves on and leaves off conditions due to topographical differences and the preservation of mature trees within the site adjacent to the Tilly Foster Farm property, and the relocation of the closest building to Tilly Foster Farm (Building A), approximately 1,200 feet farther away from Tilly Foster Farm.

Maple Road

Figures II.D-17 and Figures II.D-18 figures show that the project would be minimally if at all visible. Existing vegetation along much of Maple Road further minimizes the views of the proposed development.

E. Surface Water and Wetlands

Surface Waters

A Final Stormwater Pollution Prevention Plan (SWPPP) for the proposed project responds to comments from the NYCDEP, the Watershed Inspector General, the NYSDEC, and updated soil testing results. The proposed project would add no additional phosphorus to the Middle Branch Reservoir, and otherwise responds to all the comments received.

In addition, the total impervious area of the FEIS Plan is 48.4 acres, a reduction of 8.8 acres from the DEIS Plan, which had an impervious area of 57.2 acres.

The proposed stormwater facilities have been designed such that the quantity and quality of stormwater runoff during and after construction are not adversely altered or are enhanced when compared to pre-development conditions. There would be no impacts to off-site properties. All water quality practices, including the enhanced phosphorus removal required because the project is within the NYCDEP watershed,

exceed the requirements of the stormwater management practices criteria as outlined in Chapter 6 of the NYS Stormwater Management Design Manual.

The stormwater management design is proven to accommodate the revised FEIS Plan design. The NYCDEP indicated in an email daged July 24, 2020 "each of the significant issues previously raised thru the SEQRA process have been adequately addressed to date." (Appendix 1-1)

An Erosion and Sediment Control Management Program would be implemented for the proposed development, beginning at the start of construction and continuing throughout its course, as outlined in the "New York State Standards and Specifications for Erosion and Sediment Control," dated November 2016. A continuing maintenance program would be implemented for the control of sediment transport and erosion control after construction and throughout the useful life of the project.

The Applicant is to have a qualified professional conduct an assessment of the site prior to the commencement of construction and certify that the appropriate erosion and sediment controls, as shown on the Erosion & Sediment Control Plans, have been adequately installed to ensure overall preparedness of the site for the commencement of construction. In addition, the Applicant would have a qualified professional conduct at least two site inspections every seven calendar days. The two site inspections would be separated by a minimum of two full calendar days.

Wetlands

Wetland and adjacent area impacts would be avoided to the maximum extent practicable in the design of the proposed project, and the project's minimal impacts would be mitigated.

As described in the DEIS, a total of six wetland systems are found on the subject property.

Minor permanent wetland encroachments (0.05 acres) would occur only at the existing on-site road crossing (improvements at the Barrett Road wetland crossing between Wetlands 4 and 5); otherwise only minor encroachments into the adjacent areas are proposed, with 2.08 acres of disturbance to NYSDEC wetland buffers (which are also regulated by the Town), and 5.23 acres of disturbance to Town-only regulated wetland buffers. In addition, as part of the road improvements, the existing 18" culvert under Barrett Road will be replaced with a 48" open-bottom arch culvert to facilitate wildlife passage within the central wetland corridor.

The DEC Adjacent Area (AA) and Town wetland buffer impacts have decreased from those impacts depicted in the DEIS. No new structures are proposed within the DEC AA; impacts are due to grading from proposed structures and from improvements to road crossings only. DEC AA impacts decreased from 2.44 to 2.08 acres and Town AA impacts decreased from 5.37 to 5.23 acres (see Figure III.6-1).

These decreases in impacts from the DEIS calculations are a result of proposed improvements to the overall site layout. The area proposed for wetland mitigation (restoration and habitat enhancement), and buffer restoration within the immediate area of the wetland, totals 1.54 acres. This is compensation for the proposed 0.05 acres of wetland impact. Also, upland habitat planting/restoration is proposed outside of the actual wetland buffers, but in close proximity to the wetland corridors, totaling approximately 13 acres. Once the restoration is completed, the wetland would be a more diverse and robust habitat for wetland dependent wildlife species that use the central wetland corridor of the site.

F. Geology, Soils and Topography

The Preferred Alternative Plan's reduction of the project from four (4) buildings to (2) buildings, and from 1,124,575 square feet (s.f.) in the DEIS Plan to 933,100 s.f., constitutes an approximately 17% reduction (of 191,475 s.f.) in the project size, which would further

minimize the project's ridgeline impacts. The ridgeline associated with the southernmost buildings (Buildings 1 and 2 in the DEIS and Building A in the FEIS) has 40% less disturbance (-14.9 acres) and 75% fewer trees removed (-326 trees) under the Preferred Alternative Plan (Figures II.B-1 and II.B-1A). The impacts to the northernly ridgeline have also been reduced (9% less disturbance or -4.6 acres, and 3% or 9 fewer trees removed) under the Preferred Alternative Plan (Figures II.B-2 and II.B-2A).

The FEIS Preferred Alternative Plan reduces disturbance to steep slopes to 18.8 acres from 22.2 acres for the DEIS plan, and steep slope disturbance to Ridgeline A to 3.8 acres from 5.1 acres, and to Ridgeline B to 4.4 acres from 5.2 acres (see Figure II.F-1).

In addition, an Erosion and Sediment Control Management Program would be implemented for the proposed development, beginning at the start of construction and continuing throughout its course, avoiding any potential adverse impacts to soils. The intent of the grading design of the site is to balance the earthwork, such that no excess material would need to be exported off of the site, and no material would need to be brought into the site as fill. The current grading design results in an approximate balance with 622,000 cubic yards of cut and the same quantity of fill, for a net site balance. The site is large, and should it be necessary any excess amount of excavated material would be utilized as berm material within the limit of disturbance.

As a result, no significant impacts to soils are anticipated for the Preferred Alternative Plan. In addition, the topography of the site would be developed in accordance with the Town Code, resulting in no significant adverse impacts. Also, the Preferred Alternative would have little to no impact to geological resources due to the relatively deep depth to bedrock as determined by the geotechnical investigations, and any impacts would be fully mitigated.

G. <u>Groundwater</u>

The Preferred Alternative Plan does not affect the conclusions presented in the DEIS that

no significant adverse impacts to the bedrock aquifer or watershed are anticipated from the planned groundwater withdrawal for the project.

The data indicate that the available groundwater recharge from precipitation under both normal and drought conditions is expected to recharge at a rate greater than the project's water demand. Infiltration and recharge of a portion of the water withdrawn back into the groundwater system through the use of an onsite septic system would also reduce the consumptive water withdrawal of the project, further reducing the potential for cumulative aquifer impacts. Therefore, the project is not anticipated to place any demands on adjacent or nearly groundwater resources. Two of the site's on-site wells would be utilized for the non-transient, non-community water supply for the site.

Testing in connection with the Campus residential project indicated that there is no direct hydraulic interconnection between the Commercial Campus at Fields Corner wells and the Hunters Glen, Twin Brooks and Tilly Foster Farm wells. Even beyond the lack of hydraulic connection to wells for Hunters Glen, Twin Brook, and Tilly Foster Farm, the substantially reduced daily water usage of the project indicates that no drawdown effects or changes in water quality in these wells are anticipated from pumping onsite wells. The water demand is less than 4% of what was pumped during the 1992 well tests.

Therefore, no mitigation measures in regard to the planned groundwater withdrawal are warranted.

The project would not adversely impact offsite wells or the watershed.

H. Vegetation and Wildlife

To better define and describe the on-site habitats for amphibians and reptiles, the Mid-Atlantic Center for Herpetology and Conservation (MACHAC) was retained to provide an opinion regarding the suitability of the proposed site for rare amphibian and reptile inhabitance (i.e., a habitat assessment) (Appendix 9-2). To be conservative, the Habitat

Assessment assessed the entire approximately 328 acre property owned by the Applicant, even though the project only involves erecting buildings on the 229 acres that the Applicant owns in the OP-3 District, with some accessory utility work on the proposed Lot 1 in the RC District, and that, in addition, approximately 172 acres of the site would remain protected by a no-development restriction, which would prohibit future building development.

It is important to note that habitat assessments determine the *potential* suitability of habitats within a study area, *not the actual presence or inferred absence* of species within those potential habitats.

A follow-up herpetofauna survey was undertaken by MACHAC personnel during the spring and summer of 2019 (Appendix 9-4). The purpose of this survey was to determine the actual presence or inferred absence of species within the potential habitats identified on the site in the habitat assessment.

In addition, mitigation measures would be implemented to restore and enhance both wetlands and uplands on the site. A Wetland Mitigation/Habitat Restoration Report has been prepared to detail the mitigation for the proposed project (Appendix 9-1), as well as a Proposed Monitoring and Maintenance of Wetland and Wetland Buffer Mitigation/Restoration Plantings Report (Appendix 6-2).Once the restoration is completed, the wetland would be a more diverse and robust habitat for wetland dependent wildlife species that use the central wetland corridor of the site.

Also, upland habitat planting/restoration is proposed outside of the actual wetland buffers, but in close proximity to the wetland corridors, totaling approximately 13 acres. This is in addition to the replanting and restoration of 1.54 acres of wetland and wetland buffer, to mitigate for the 8.45 acres of wetland buffer that is proposed to be impacted by the proposed project. In all cases, the mitigation, habitat restoration, and protective measures have been designed to protect all of the listed species, whether or not they actually are found on the site, Habitats would be improved by removing invasive species and planting

native vegetation.

In addition, the Applicant would abide by the extended tree-cutting prohibition period to ensure that there is no incidental harm to any bats using the site during the active period (April 1 to October 31). This restriction also protects breeding birds which may be using the site.

I. Tax Analysis

This section estimates the potential tax revenue, economic impact, job creation, and general economic health of the community with the completion of the Preferred Alternative Plan.

It is estimated that the Preferred Alternative Plan would generate the following economic benefits:

The Applicant currently pays approximately $143,000 per year in real property taxes on the subject property as undeveloped land. Without development, this annual tax would stay the same, subject only to annual tax escalation.

A local real estate appraiser specializing in tax issues (Kevin M. Schick of McGrath & Company Inc.) has independently estimated that either property taxes for the subject property developed with the Preferred Alternative Plan or revenue to the local taxing jurisdictions as a result of a PILOT agreement with a Putnam County IDA, would generate $29,233,271 more in property revenue over the first fifteen (15) years than would be paid if the property were to remain undeveloped.

During the first fifteen years which includes when the PILOT program is in place, payments generated from the PILOT agreement are anticipated to generate $23,785,000 more in revenue for the Brewster Central School District than would be paid in property taxes if the site were to remain undeveloped.

Additionally, during the first 15 years which includes when the PILOT program is in place, payments generated from the project in accordance with the PILOT agreement are anticipated to provide $31,894,781 in revenue to local taxing jurisdictions. With no PILOT in place and the property paying fully assessed real estate taxes, $40,889,223 would be paid in real estate taxes during the first 15 years. The PILOT Agreement would result in the project paying approximately 75% of the fully assessed property taxes for the project. Even with the PILOT in place, the project would generate substantial revenue to local taxing jurisdictions during the first fifteen years.

- The proposed project could help to lower the effective tax rate for all property owners in Southeast. Response 10-8 of this FEIS shows that the project would create quality jobs, which would be consistent with the local workforce skills and salary requirements.

Similar businesses to the proposed project showed median annual earnings in the low $50,000 range. Additionally, the anticipated new jobs would include a wide range of employee benefits.
Only 10% of residents live and work in Town. The 551 plus new jobs created for the largest shift by the proposed development would offer many residents comparable work in Town, lowering the 36 minute average commute time.

Many warehouse/distribution facility jobs are semi-skilled and do not require higher education. Fifty-two percent (52%) of Southeast residents are high school graduates without a college degree.

The IMPLAN study for the Preferred Alternative Plan (Appendix 10-1) projects that the proposed project would result in an annual economic output of $73,500,000. Of this $73,500,000, approximately $19,000,000 are direct salaries to on-site employees. The Impact Analysis for Planning (IMPLAN) modeling software uses proprietary multipliers to evaluate the economic output, labor income and employment generated by a specific

industry activity.

In connection with the IMPLAN modeling, direct, indirect, induced, and total economic impacts are defined as follows:

- Direct Impacts: Direct impacts represent the initial change in the industry in question (in the industry itself). For example, the direct impacts include the number of people employed by various tenants within the proposed warehouse/distribution facility.

- Indirect Impacts: Indirect impacts are changes in inter-industry transactions when supplying industries respond to increased demands from the directly affected industries. Essentially, indirect impacts measure the impacts of enterprises that conduct business with the industry in question. For example, the indirect impacts for the proposed warehouse/distribution facility would include additional jobs created at other warehouse/distribution establishments that move goods to and from the proposed facility.

- Induced Impacts: Induced impacts reflect changes in local spending that result from income changes in the directly and indirectly affected industry sectors. These are impacts resulting from expenditures from wages earned by workers associated with the industry directly or indirectly. In this example, induced impacts would include additional spending at local businesses from households directly employed by the warehouse/distribution facility (i.e., wage expenditures).

- Total Impacts: Total impacts represent a combined total of the direct, indirect and induced impacts.

The study further indicates that the proposed project would create nearly $4,000,000 in additional indirect salaries annually and over $3,000,000 in local business salaries for

businesses servicing the proposed project. The study also indicates that the induced economic output (i.e., services provided by local businesses) from the proposed project totals $13,545,000 annually. New jobs and new opportunities for local businesses are the primary economic benefits for the Southeast business community.

An overall discussion of a Payment in Lieu of Taxes (PILOT) program is discussed in Section III.C.10 "Taxes".

J. Community Services

No significant changes have been made to community services from the DEIS, other than the increased property taxes described immediately above.

Discussions with Chief DeSantis of the Brewster Fire Department confirm that the Department would not need special equipment to handle an emergency at the project and that access to the site and fire truck circulation and turning movements around the buildings are acceptable. Chief DeSantis indicated at a 09/19/2018 meeting with the Applicant, at which the Applicant asked if Chief DeSantis would provide a letter commenting on the project, that the proposed two lanes in each direction on NY 312 between Pugsley Road and Independent Way would improve emergency vehicle access. Minutes of the meetingare included in Appendicix I-1. The Chief also noted that he appreciated that the developer would permit the Fire Department to utilize the project's proposed water system hydrants to fill their pumper trucks if there is a fire in the vicinity of the project. Subsequently, plans for the revised project were sent to Chief DeSantis on 02/08/2019, with the Applicant again requesting a formal comment letter. Chief DeSantis noted in a subsequent email that he was advised by the Fire District on 03/13/2019 to make no comment on the project (Appendix I-1).

The project is not anticipated to place significant additional demands on emergency services. For the proposed facility with a total of 1,040 employees over three shifts, and 5.0% annual workplace injury or illness according to the U.S. Bureau of Labor Statistics for the year 2016, yields a total of 52 workplace injuries annually. Not all of these

occurrences would likely require a 911 call, but even if, to be conservative, it is assumed that they all did, 52 EMS calls would be made annually, or approximately 4-5 per month. According to the Brewster Fire Department website[1], 2,585 incidents were responded to through the 12-month period from October 2018 to September 2019. That is an average of 215 calls per month. The addition of 4-5 potential calls a month from the proposed project would only represent an approximately 2% increase in 911 calls. Again, however, the number of EMT calls actually generated by the project is likely to be lower.

The nature of the anticipated use (storage of goods) makes it incumbent upon any tenant to ensure that the facility is protected by security personnel and state of the art security systems. This may include Loss Prevention Associates, who can enforce a tenant's policies and procedures, as well as automated Trailer Control Centers (TCS), which have a camera that is monitored from inside the facility. Tenets/users may elect to provide additional security based on their unique operations which may include alarms, exterior staffed security, etc.

As discussed in detail in the Tax Analysis chapter, even with a PILOT agreement the revenue generated from the PILOT agreement would help offset the project's limited impacts to the community.

No significant adverse community services impacts are anticipated to result from the Proposed Alternative Plan.

K. Utilities

Each building under the Preferred Alternative Plan would include a specialized sprinkler system, which is specifically designed for high piled storage occupancies, and which would substantially reduce the amount of water needed in the event of a fire in any building. This sprinkler system, Early Suppression Fast Response (ESFR) sprinklers, is state-of-the-

[1] At http://www.brewsterfiredepartment.org/

art and is widely used for warehouse/distribution facilities because they are quick responding, high volume systems that provide exceptional protection for high piled storage occupancies.

Instead of merely controlling a fire until the original fuel source is depleted, ESFR systems are designed to suppress the fire by discharging a large volume of water directly to the fire to reduce the heat release rate. These systems, installed at the ceiling, use large volumes of water delivering large water droplets at a high velocity to knock down the fire plume and provide enhanced protection.

The design intent of having the on-site water storage tank and the automatic sprinkler system is to suppress any fire in the time it takes the fire department to arrive and provide supplemental water for the fire department to use to control and put out the fire. The storage tank must be sized to provide enough water for the duration (hours) as specified in NFPA, which establishes a proper design basis for water storage and distribution. The site's proposed water tank is sized to NFPA standards to protect "Extra Hazard" materials storage such as for the protection of rubber tires up to 30 feet as well as Group A plastics as defined by NFPA 13.

A rendering of the water tank from the Pugsley Road/Barrett Road intersection is included as Figure III.5-1. The proposed tank would be located approximately 3,950 feet from Pugsley Road. To minimize views of the tank from Pugsley and Fields Corner Roads, the tank would be forest green and evergreens would be planted around the perimeter of the water tank. The proposed water tank color and planting plan would be subject to review and approval by the Planning Board and Architectural Review Board.

The water tank that is proposed has a capacity of 303,700 gallons. The tank is approximately 42 feet in diameter, and 30 feet in height. The roof of the tank is comprised of a five to six foot tall dome—bringing the height to 36 feet—with a 42-inch handrail near the peak. Therefore, the total height including the handrail would be approximately 40 feet.

As in the DEIS, gas and electric service would be provided to the site. According to New York State Electric and Gas (NYSEG), new overhead electrical utility distribution lines may be required to bring power from Route 312 to Pugsley Road and the site. The Hunters Glen and Twin Brook Manor grids would therefore not be connected to the proposed warehouse/distribution facility.

In addition, according to NYSEG, currently there is not a gas main in Pugsley Road. A gas main extension is therefore required to serve the site.

In summary, no significant adverse utility impacts are anticipated to result from the Proposed Alternative Plan.

L. Cultural Resources

As discussed in the DEIS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) provided a letter of No Effect, confirming that the proposed project would have no effect on historic/cultural resources.

M. Noise

The Preferred Alternative would meet and surpass all required noise restrictions enacted at the local, state and federal levels.

The DEIS Plan met or surpassed all relevant noise restrictions, as verified by an expert acoustic consultant. In preparing this FEIS, the Applicant engaged the same acoustic consultant to verify that the Preferred Alternative Plan also meets or exceeds all applicable noise restrictions. The intent of the Applicant is to assure the Town and local residents that the Preferred Alternative Plan recognizes the sensitive nature of the adjacent residential communities. Therefore, the Plan would exceed the requirements of the Town Noise Ordinance by a minimum of 9 dBA for noise from the rooftop HVAC equipment,

and further reduce any potential noise impacts from truck operations on-site.

The Applicant has taken the following steps to assure performance in meeting the acoustical goals of the community and regulations.

- Density: The Preferred Alternative is 17% smaller than the DEIS Plan and would generate proportionately less sound in the aggregate.
    - Distance: Sound dissipates over distance. The Preferred Alternative positions buildings and vehicles nearly one-quarter of a mile from all nearby residences. The most dramatic difference was eliminating Building 4, which had been within 600 feet of Twin Brooks.
- Line of Sight: Sound generally travels in waves over a straight line. The Preferred Alternative Plan places loading docks on the building side facing away from the abutting condominium communities and uses the building structure to block sound transmission.
- Traffic Circulation: The Preferred Alternative Plan would have a traffic circulation pattern that would prevent trucks from circumnavigating the buildings and confines trucks to areas where a building stands between the truck and the abutting condominium communities. Only automobiles would travel to the condo facing side of the buildings.
- Topography: The buildings would be placed at a higher elevation than the abutting condominium communities and would act as a sound barrier for noise from I-84. Additionally, the Applicant would install a 12' high berm between Building B and the Twin Brook Manor community to provide a high quality, natural visual and sound barrier.
- Sound Walls: The Applicant would select quieter equipment and/or install sound walls on all rooftop equipment to assure that no more than 46 dBA of sound reaches the closest residences from this equipment, which is 9 dBA lower than the nighttime noise limitation set by the Town Noise Ordinance. The Town intends to require as conditions of Special Permit and Site Plan Approval that noise from the rooftop HVAC equipment exceeds the requirements of the Town Noise Ordinance by 9 dBA.

- Operations: The Applicant would commit to assuring the Town and residents that New York's anti-idling regulations are followed. Trucks would not be permitted to layover on-site overnight. Tenants and users would be required to install trucker's lounges where drivers can relax while their trucks are being loaded or unloaded, eliminating any need to remain in an idling truck. The would be no sleeping accommodations for drivers on the property. The Town intends to require these items be included as conditions of Special Permit and Site Plan Approval.
- Operating Hours: The building would operate 24/7/360, but within the industry, the majority of commercial activity occurs during the traditional business day and is reduced by approximately half during the second (evening) shift. During the third (night) shift, the activity is limited to in-building cleaning, maintenance, repair and restocking activity much like a grocery store prepares for the next business day. Based on truck counts at the Gap Distribution Center in Fishkill and at the Matrix Distribution Center in Newburgh, truck traffic is concentrated to the first shift, tapering into the second shift. The Town intends to require as conditions of Special Permit and Site Plan Approval that no trucks access the site between the hours of 11:00 PM to 6:00 AM Monday through Saturday, and on Sunday trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM. The access to the buildings would be controlled by gates providing controlled access to further prevent unnecessary truck access to the property.

As a result of these measures, the Applicant's acoustic consultant concludes that the warehouse/distribution activity on the subject property developed in accordance with the Preferred Alternative would generate background noise that is consistent with current existing background noise levels and would not generate disruptive noise levels at normal operation. In short, the Preferred Alternative would not pose any significant adverse noise impacts on the nearby residential communities and no foreseeable noise levels from the developed property would have a detrimental effect on the residents, including those who choose to sleep with open windows.

N. Construction

All construction activities would be conducted in accordance with all municipal and state regulations and would not result in significant adverse impacts.

All construction activities would be conducted in accordance with Section 96-6.D of the Town Code, with construction only taking place between the hours of 7:00 am and 8:00 pm Monday through Friday, and between 9:00 am and 5:00 pm on Saturdays.

No blasting is anticipated.

The intent of the grading design of the site is to balance the earthwork, such that no excess material would need to be exported off of the site, and no material would need to be brought into the site as fill, avoiding the need for dump trucks for this purpose, which lessens potential off-site truck traffic trips.

Most construction-related trucking would utilize I-84 and exit at Exit 19 (NY 312), and proceed along NY 312 to Pugsley Road and the construction site.

Construction workers would generally arrive before the 7:30-8:30 AM peak weekday morning traffic hour and depart before the 5:00-6:00 PM peak weekday afternoon hour, and generally utilize the same route as the construction truck traffic.

An Erosion and Sediment Control Management Program would be implemented for the proposed development, beginning at the start of construction and continuing throughout its course, in accordance with the requirements of the "New York State Standards and Specifications for Erosion and Sediment Control," dated November 2016.

The project would be phased. Work would commence for Phase I with the site work associated with Building A, followed by the construction of this building. Subsequently,

Phase 2 site work would be completed followed by the construction of Building B. However, should a client prefer Building B, work would commence on Phase 2 first.

The total development cycle (site work plus building construction) would take approximately 18 months for each of the two proposed buildings, with no overlap. Thus, construction would take approximately 3 years in total. Site work for each building is anticipated to take approximately 40 weeks, with the construction of each building taking approximately one year. All off-site improvements would be completed concurrently with the completion of the site work for Phase 1.

O. Air Quality

The analysis in the DEIS and the updates and further explanations for the FEIS Proposed Alternative Plan indicate that there would not be any significant air quality impacts.

Like most warehouse/distribution facilities, the Commercial Campus at Fields Corner facility would have strict anti-idling policies, which each individual tenant's warehouse manager is charged with enforcing. If a truck driver is idling at a facility, the shipping and receiving supervisor would tell them to shut off. Outlets are to be provided at each building so that truck's engine warmers can be plugged in during the coldest winter weather, rather than having their engines running for any extended period of time.

The Town intends to require as conditions of Special Permit and Site Plan Approval that no overnight facilities or overnight sleeping be permitted at the Preferred Alternative facility, so trucks would not be idling overnight to keep drivers warm or cool.

Natural gas is to be used to heat the buildings and hot water for the restrooms. An analysis of rooftop stack emissions was conducted. The stacks are over 500 feet above the nearby receptors Hunters Glen and Twin Brook Manor, and are separated by large horizontal distances (a minimum of 1,800 feet and 1,600 feet, respectively). Because of the large vertical and horizontal distances, the impact of natural gas emissions on air

quality from on-site fuel combustion is not anticipated to be significant.

Air quality in Putnam County, with the exception of ozone, which is just below the standard, is excellent and improving, as summarized in graphs sourcing from the American Lung Association's 2018 report on air quality (see Response 16-23). Ozone is a regional issue with the majority of the precursors that impact Putnam County having been emitted from outside the County. The project's contribution to regional air emissions would be quite small and would not result in any significant adverse impacts.

P. Hazardous Materials

The Preferred Alternative Plan has no potential for adverse impacts related to hazardous materials. There are no Recognized Environmental Conditions (RECs) at the property, and the proposed logistics center definition specifically limits the use of non-hazardous goods.

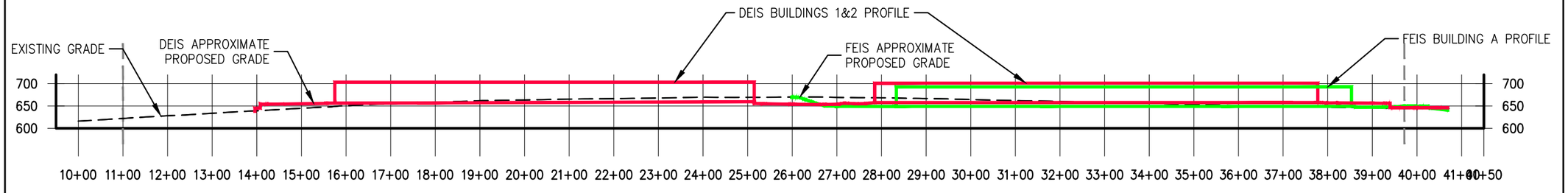
Appendix 17-1 contains a Remedial Action report by CA Rich Environmental Specialists, which includes data and descriptions confirming that the testing and selected laboratory parameters completed in 2004 were appropriate and consistent with NYSDEC requirements.

Due to the historical use of the properties, in an excess of caution, a Soil Management/Contingency Plan has been provided by the Applicant (Appendix 17-3), which documents contingency procedures to address any unknown conditions (i.e. underground tanks, dry wells, contamination or additional dump areas) that may be encountered during redevelopment.

Hydrodynamic water quality separators would be used to separate any oil accumulated from the parking lots and driveways that may source from small leaks in engines and potential larger spills, prior to flowing to any other stormwater management practice. The separators can store various volumes of oil depending upon the amount of runoff

they are designed to treat, and the separators used on the project site would be appropriately sized for the areas that they would be associated with. The separators would be regularly maintained, and the accumulated oil would be disposed of at a licensed processing facility.

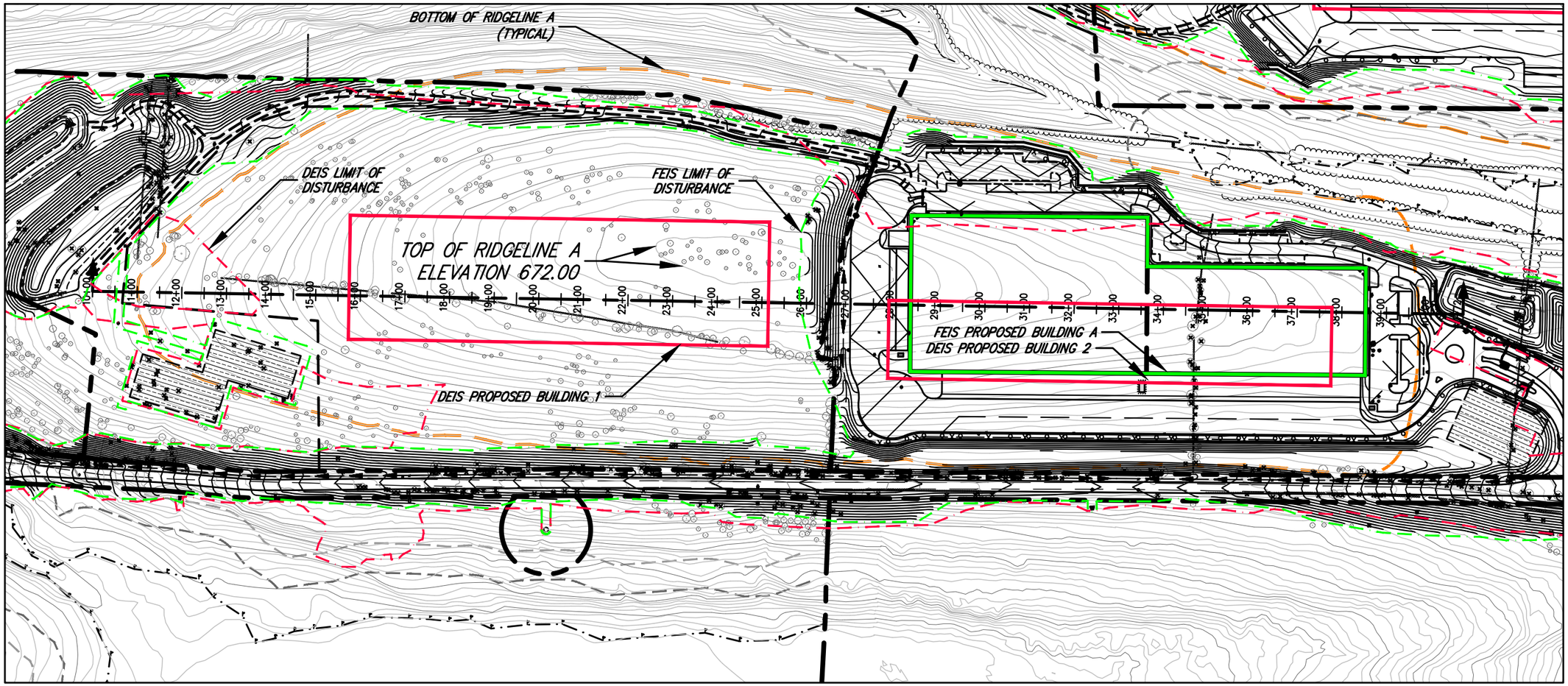
Therefore, the project would not pose any significant impacts relating to hazardous materials.



SECTION 'A'–'A'

LEGEND

- FEIS BUILDING / PROPOSED GRADE
- DEIS BUILDING / PROPOSED GRADE



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COMMERCIAL CAMPUS AT FIELDS CORNER
TOWN OF SOUTHEAST, NEW YORK
NY 312 & PUGSLEY ROAD

FEIS VS. DEIS RIDGELINE DISTURBANCE COMPARISON
CROSS SECTION 'A' - 'A'

DATE: 05/2019
JMC PROJECT: 14012
SCALE: 1" = 250'
FIGURE: II. B-1

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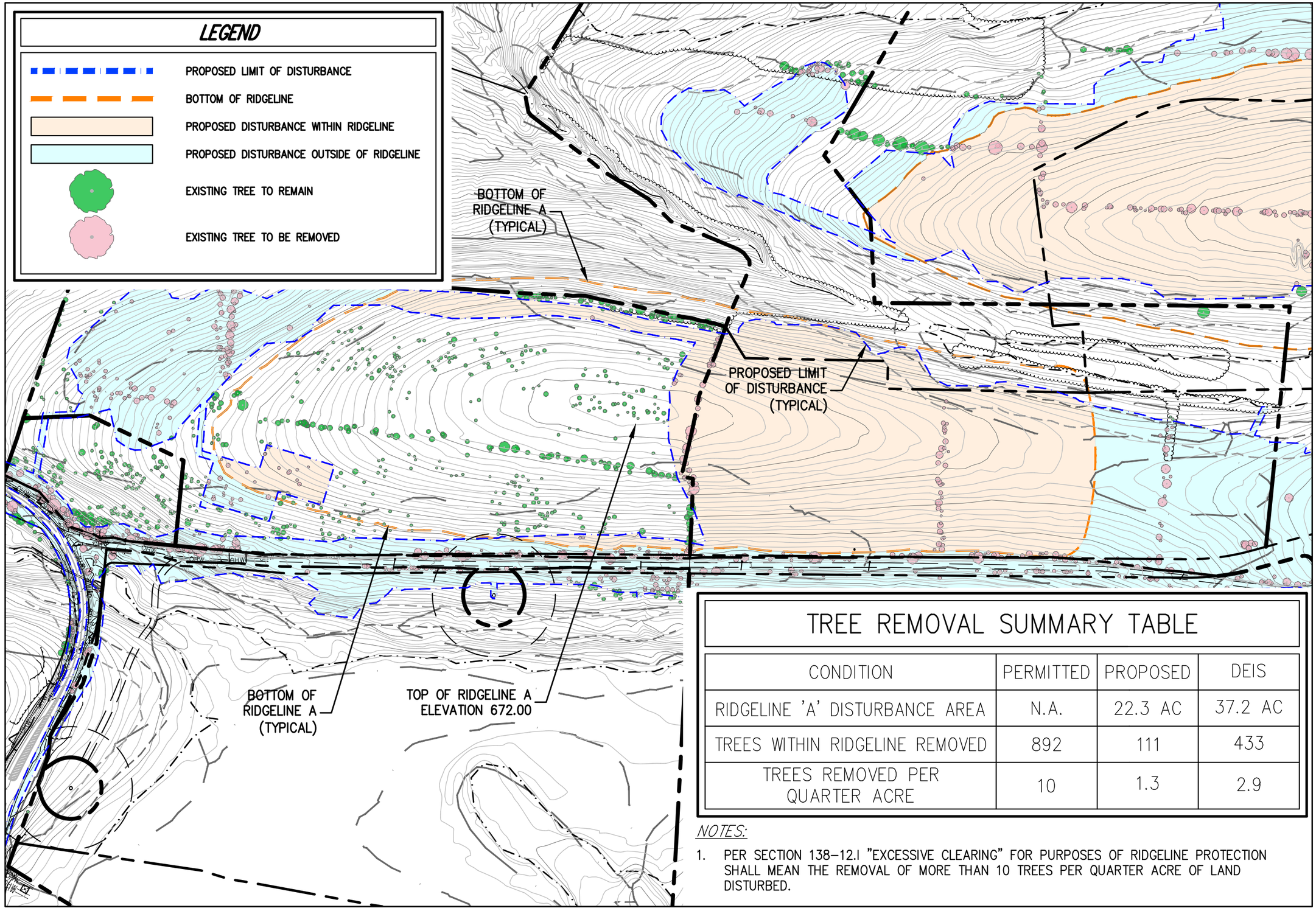
14012–SECTIONS.dwg; SECTION–A (11X17).tab, RIDGELINE–SECTION–COMPARISON.scr

LEGEND

- PROPOSED LIMIT OF DISTURBANCE
- BOTTOM OF RIDGELINE
- PROPOSED DISTURBANCE WITHIN RIDGELINE
- PROPOSED DISTURBANCE OUTSIDE OF RIDGELINE
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED



TREE REMOVAL SUMMARY TABLE

CONDITION	PERMITTED	PROPOSED	DEIS
RIDGELINE 'A' DISTURBANCE AREA	N.A.	22.3 AC	37.2 AC
TREES WITHIN RIDGELINE REMOVED	892	111	433
TREES REMOVED PER QUARTER ACRE	10	1.3	2.9

NOTES:

1. PER SECTION 138-12.I "EXCESSIVE CLEARING" FOR PURPOSES OF RIDGELINE PROTECTION SHALL MEAN THE REMOVAL OF MORE THAN 10 TREES PER QUARTER ACRE OF LAND DISTURBED.

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RIDGELINE 'A' TREE REMOVAL PLAN

JMC PROJECT: 14012

SCALE: 1" = 300'

REVISED: 06/18/2020
DATE: 03/2019

FIGURE: II.B-1A

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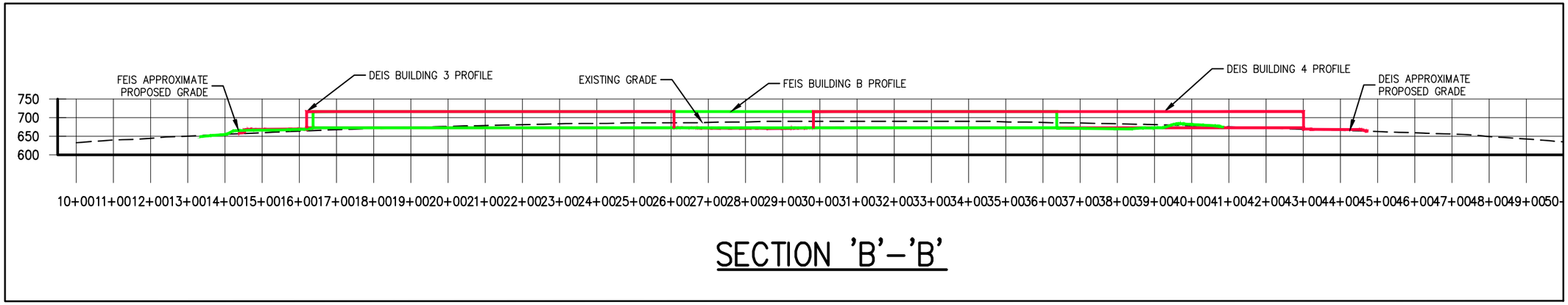
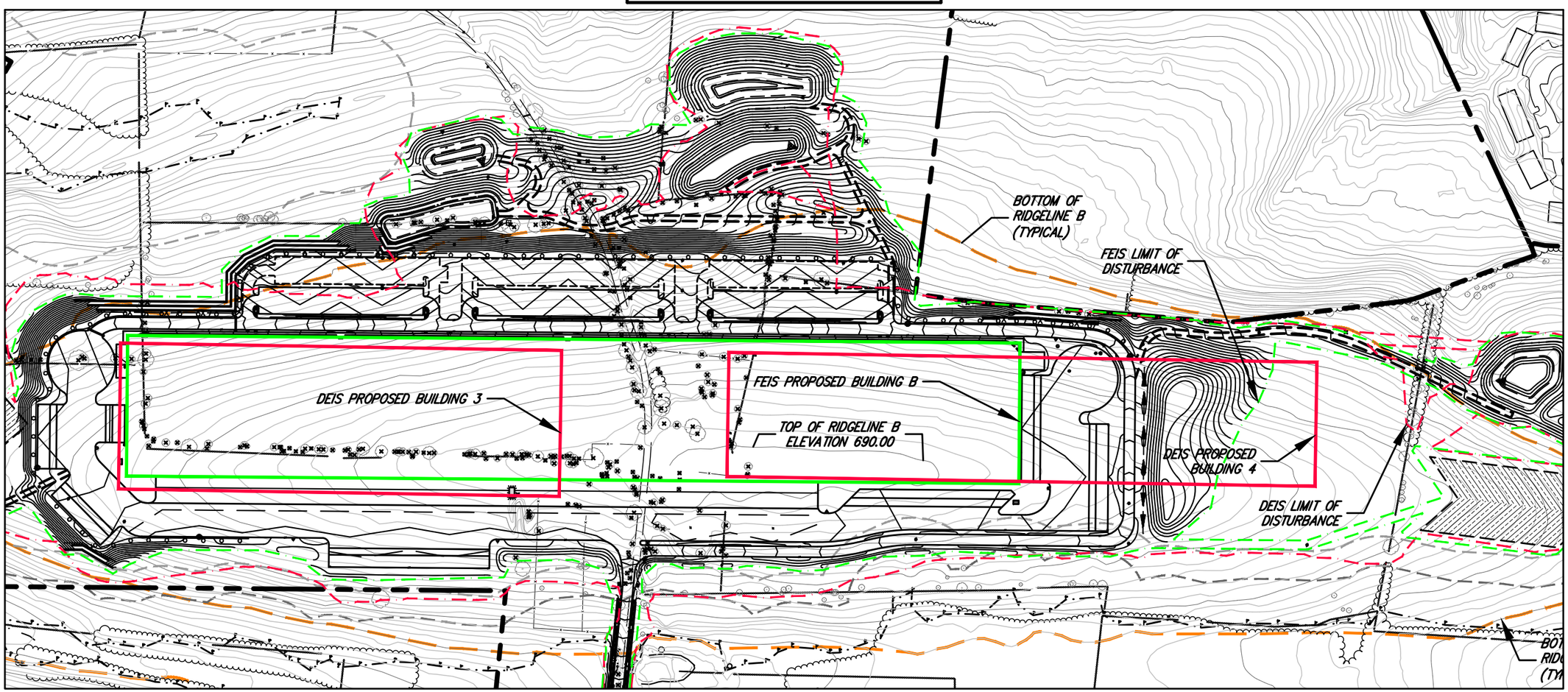
14012-TREE-PRESERVE.dwg; RIDGELINE-A.tab; TREE-CLEARING.scr



SECTION 'B'–'B'

LEGEND

- FEIS BUILDING / PROPOSED GRADE
- DEIS BUILDING / PROPOSED GRADE



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FEIS VS. DEIS RIDGELINE DISTURBANCE COMPARISON
CROSS SECTION 'B' - 'B'

JMC PROJECT: 14012

DATE: 05/2019

SCALE: 1" = 250'

FIGURE: II. B-2

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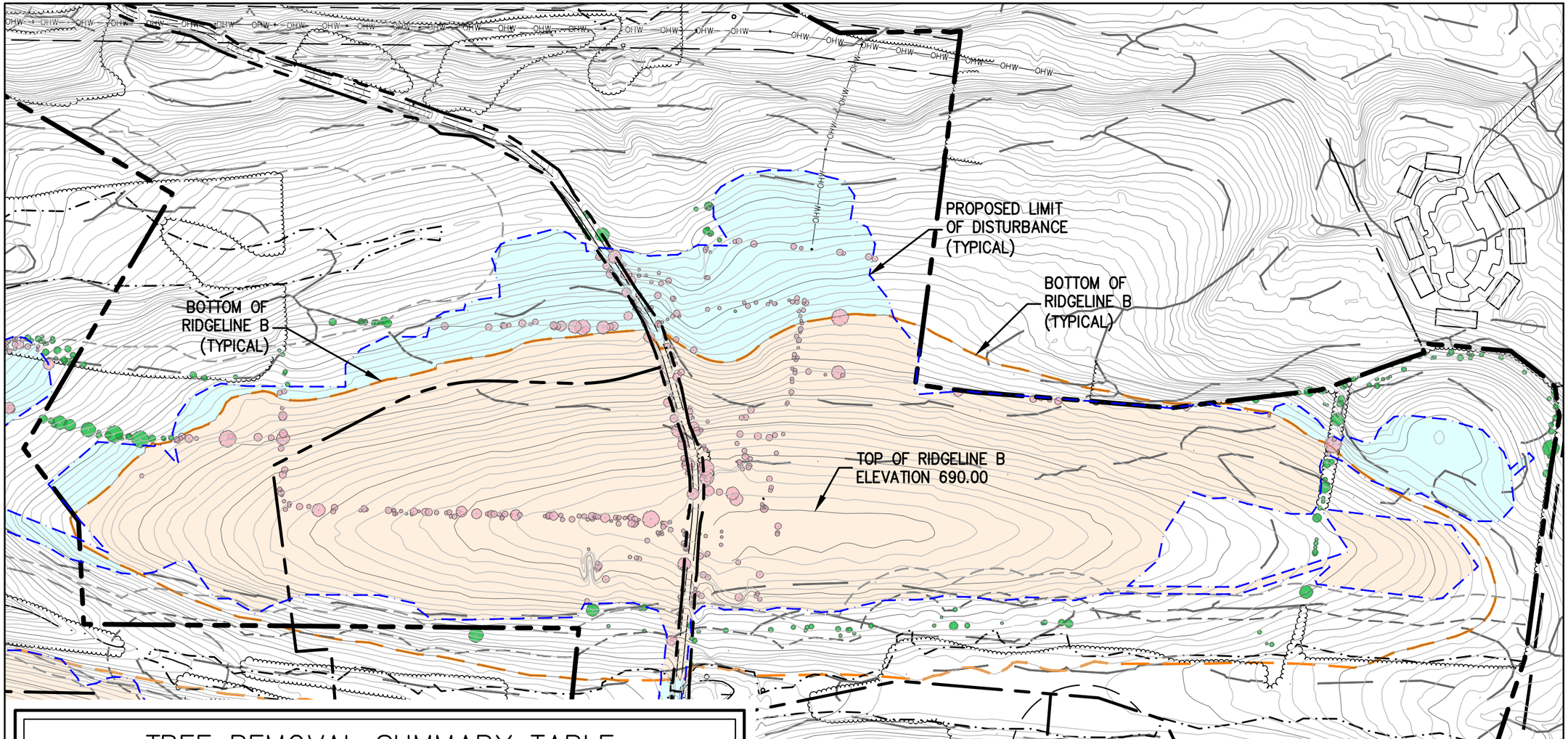
14012–SECTIONS.dwg; SECTION–B (11X17).tab, RIDGELINE–SECTION–COMPARISON.scr

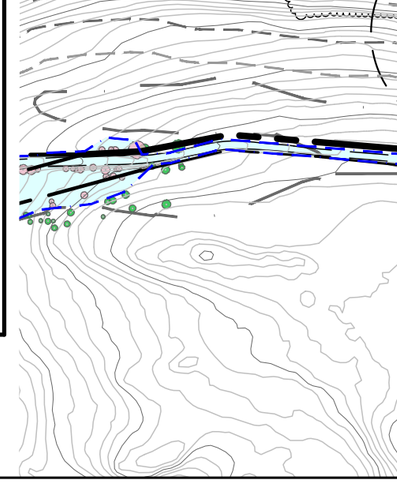


TREE REMOVAL SUMMARY TABLE

CONDITION	PERMITTED	PROPOSED	DEIS
RIDGELINE 'B' DISTURBANCE AREA	N.A.	44.5 AC	49.1 AC
TREES REMOVED WITHIN RIDGELINE	1,780	274	280
TREES REMOVED PER QUARTER ACRE	10	1.5	1.4

NOTES:

1. PER SECTION 138-12.I "EXCESSIVE CLEARING" FOR PURPOSES OF RIDGELINE PROTECTION SHALL MEAN THE REMOVAL OF MORE THAN 10 TREES PER QUARTER ACRE OF LAND DISTURBED.



LEGEND

- PROPOSED LIMIT OF DISTURBANCE
- BOTTOM OF RIDGELINE
- PROPOSED DISTURBANCE WITHIN RIDGELINE
- PROPOSED DISTURBANCE OUTSIDE OF RIDGELINE
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED

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RIDGELINE 'B' TREE REMOVAL PLAN

JMC PROJECT: 14012

REVISED: 06/18/2020
DATE: 03/2019

SCALE: 1" = 300'

FIGURE: II.B-2A

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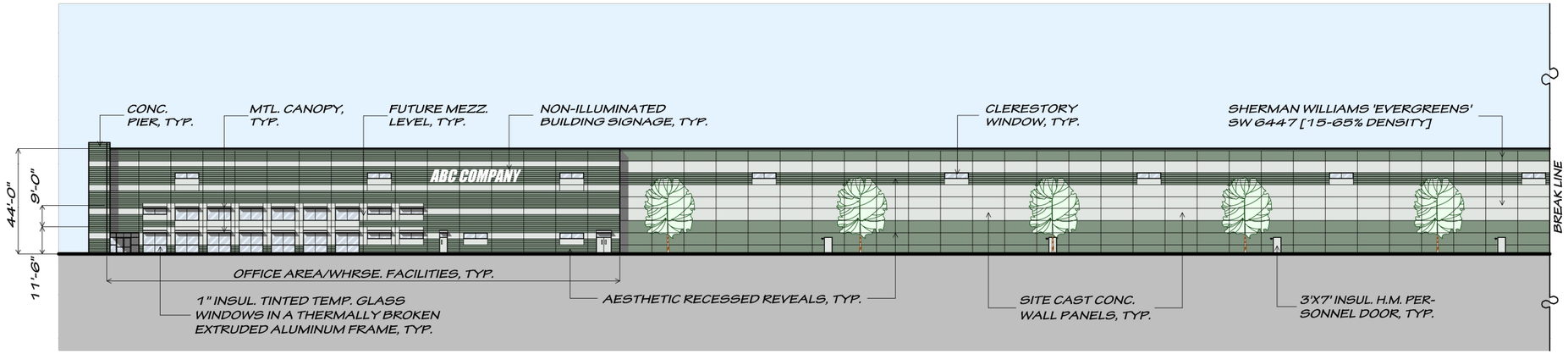
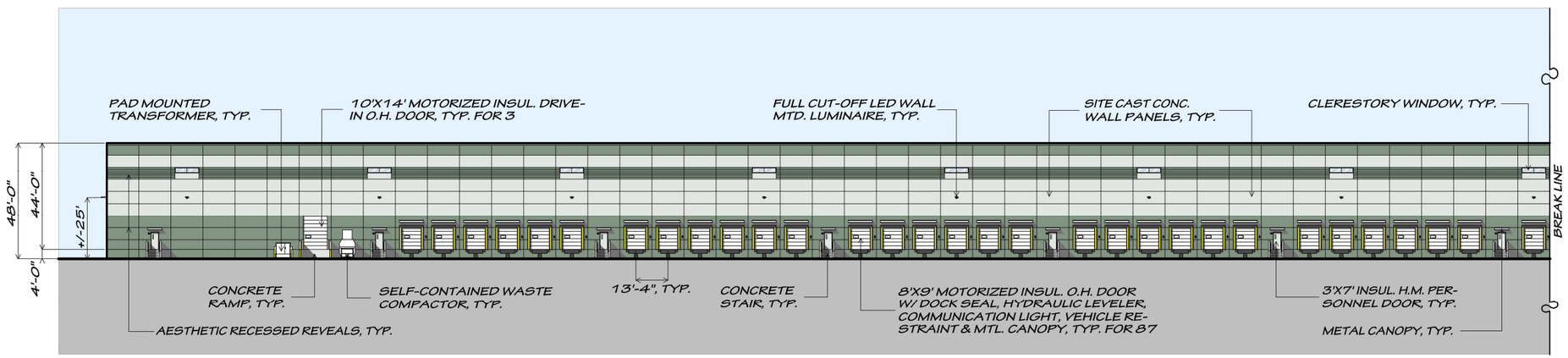
14012-TREE-PRESERVE.dwg; RIDGELINE-B.tab; TREE-CLEARING.scr



PARTIAL WEST ELEVATION BUILDING 'B'



PARTIAL EAST ELEVATION BUILDING 'B'

COMMERCIAL CAMPUS at FIELDS CORNER, TOWN of SOUTHEAST, NY

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NY 312 & PUGSLEY ROAD

PARTIAL BUILDING ELEVATIONS

JMC PROJECT: 14012

SCALE: 1" = 30'

DATE: 07/2019

FIGURE: II. B-3

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14012-FEIS-FIGURES.dwg; BUILDING-ELEVATION.tab; FEIS VS. DEIS.scr

III. RESPONSE TO COMMENTS

A. Introduction

This chapter of the Final Environmental Impact Statement (FEIS) addresses comments that were made on the DEIS that was accepted as complete and dated June 14, 2018. Comments were provided either verbally at the Public Hearings held on July 9, 2018, and July 23, 2018, or provided in writing through August 31, 2018. This includes all comments made by the public or their representatives, the Town of Southeast, and interested and involved agencies.

This chapter provides responses to the substantive verbal and written comments submitted on the DEIS. Full transcripts of public testimony and complete correspondence from which these comments are drawn are found in Appendix B, which lists the agencies, Town consultants, and individuals who commented on the DEIS. A total of 180 documents were received, reviewed and their substantive comments put into the FEIS. All these comments have been addressed in Section III of the FEIS.

B. Comment Key

A Comment Key is provided in Appendix A. This lists by commenter the type of correspondence received and the appendix in which the comment document is located. The comments are individually numbered by the section in the FEIS where the comment and its response may be found.

p:\2014\14012\admin\feis new\feis\iii. response to comments introduction.docx

C. FEIS Response Sections Corresponding to the DEIS

III.1 Executive Summary

Comment No. 1-1

We have reviewed this material and have no substantive comments on this chapter.
(B-1, AKRF)

Response No. 1-1

Comment noted.

Comment No. 1-2

Table 1.1 of the executive summary indicates use of Nationwide Permit 39 for the proposed 0.05-acre wetland impact. Pursuant to General Condition 22 of the NWPs, NWP 39 is not authorized in designated critical resource waters, which includes all waters in the East of Hudson Watershed (General Regional Condition G-F).
(B-137, NYCDEP)

Response No. 1-2

Comment noted. Because the site is within the NYCDEP East of Hudson Watershed, the project does not qualify for a Nationwide Permit, but rather would require an Individual Permit.

III.2 Description of the Proposed Action

Comment No. 2-1

We have reviewed this material and have no substantive comments on this chapter. (B-1, AKRF)

Response No. 2-1

Comment noted.

Comment No. 2-2

Many people commented that with the proposed project, there would be negative impacts to the quality of life in the Town and would change the character of the community and the beautiful nature of the Town.

(B-2, PH #1, Ms. Brandon); (B-2, PH #1, Mr. Esposito); (B-2, PH #1, Mr. Feuerman); (B-2, PH #1, Ms. Fanizzi); (B-3, PH #2, Mr. Catalino); (B-3, PH #2, Mr. Catalino); (B-3, PH #2, Ms. Yara); (B-7, Patricia Williamson); (B-10, Robert Coyle And Janet Coyle); (B-15, Helen Evers); (B-32, Valerie Schmidt); (B-35, Christine Capuano); (B-38, Peter & Cathy); (B-39, Jane Cypher); (B-40, Janine Alberghini); (B-41, Gina Occhigrossi); (B-41, Gina Occhigrossi); (B-48, Charles DiDonato & Marie DoDonato); (B-50, James Borkowski); (B-51, Cory Blad); (B-58, Angela Cuomo); (B-73, MaryAnne Taormina); (B-76, Jackie Kaddatz); (B-77, Jerry Hilpert); (B-82, Tara Eacobacci); (B-85, Christine Capuano); (B-88, Eugene J. Duffy, Jr.); (B-103, Donna Shenkman); (B-104, Nathalie Del Vecchio and Roberto Molina); (B-106, Theresa Brandon); (B-117, Ann Fanizzi); (B-118, Cherie Ingraham); (B-120, Richard Feuerman); (B-126, Stephen McPartland); (B-136, Lisa Aurello); (B-138, Michael Catalano); (B-141, James Scomillio); (B-142, Steve & Susan Elias); (B-142, Steve & Susan Elias); (B-142, Steve & Susan Elias)

(B-145, Hearing No. 3 (Mr. Hecht)); (B-149, Ann Fanizzi); (B-154, Carlos Passi); (B-155, Cathy Croft); (B-161, Vikki Rogers); (B-173, Beth Mazzei); (B-173, Beth Mazzei);

Response No. 2-2

In response to public comments regarding quality of life issues, the Applicant has adjusted the proposed plan to further fulfill its intent to maintain the same natural beauty and rural character associated with Southeast while providing for a stronger local economy. (Table I-11 "Table of Development Plans Comparison" provides a numerical environmental conditions comparison of the DEIS, FEIS and the approved/planned Mixed Use from the 1992 residential and office DEIS development plan.) As a result, the Applicant has modified the project to further minimize its visibility from the community and to reduce its other potential impacts, including traffic. The Preferred Alternative Plan presented in this FEIS reduces the number of proposed buildings from the four (4) in the DEIS Plan to two (2) in the Preferred Alternative Plan. This redesign reduced the project by approximately 17%, and the total proposed building square footage in the Preferred Alternative Plan is 933,100 square feet (s.f.) as compared to the 1,124,575 s.f. project presented in the DEIS.

The FEIS Preferred Alternative Plan also does not propose any buildings on the 99.1 acres of the Applicant's 328.1-acre property that is zoned RC; rather, all buildings would be situated on Lots 2 and 3, which are wholly within the OP-3 District. Building A, which is closest to Route 312, would be approximately 2,150 feet from Route 312, versus 965 feet for Building 1 in the DEIS Plan. Intervening topography would also minimize potential visibility of Building A from Route 312. Distance, topography and dense existing vegetation mitigates Building A's visibility from Route 312 and preserves the rural character of this area.

The Preferred Alternative Plan also doubles the separation distance to the Twin Brook Manor residences, from 600 feet in the DEIS Plan to approximately 1,210 feet in the Preferred Alternative Plan. In addition, an approximately 12-foot high berm is proposed

on the site north of Building B, to help further mitigate the visibility of the buildings from Twin Brook Manor. The distance of the nearest proposed building (Building B) to the Hunter's Glen residences remains at approximately 1,415 feet or just a little over a quarter-mile. Moreover, trucks would no longer be able to circulate around the buildings, with only employee parking situated on the side facing Hunter's Glen.

The property, which is in immediate proximity to I-84, would be developed to comply with the environmental protections built into local and state regulations, including the stringent NYCDEP regulations for development in the Watershed. Here, 66% of the Applicant's property (approximately 216 acres) would remain completely undisturbed throughout the development process. Following development, approximately 85% of the approximately 328-acre property (approximately 279 acres) would remain as open space either in a natural or landscaped state. The Applicant is also willing to commit approximately 172 acres as permanent "no-development areas" within the overall 328-acre property (see Figure I-7). No other land use program for the property would protect as much of the property as the proposed project in the Applicant's opinion.

While the proposed project would add some traffic to the mix (less than 10% increase), it would double the capacity of Route 312 from Pugsley Road to I-84, by expanding Route 312 to four lanes. This expanded capacity would help existing congestion and traffic. The vast majority of the commercial traffic generated from the proposed project would access the site via I-84 and Route 312 over an "in town" distance of just over a half-mile. The vast majority of the proposed project's traffic would not go beyond the Pugsley Road/I-84 portion of Route 312, further helping the community to retain its current rural character. Alternative schemes of development permitted under current zoning like residential, office, medical office and entertainment uses would likely generate far more vehicular traffic that may access other areas of Southeast with far greater frequency than the proposed project.

The Applicant has, through professional experts, evaluated the air quality and noise conditions of the immediate area pre and post-development. The air quality is currently

good and would remain good following development (Refer to the Air Quality Section III.C-16).

The potential noise impacts of the project were analyzed as part of the DEIS. With noise mitigation measures in place, noise levels are predicted to be less than the maximum permitted by the Town Noise Ordinance. As conditions of Special Permit and Site Plan Approval, the Town intends to require that noise from the rooftop HVAC equipment not exceed the requirements of the Town Noise Ordinance. Mitigation measures would include the use of quieter HVAC equipment and/or the use of sound walls for rooftop mechanicals. These measures will ensure that no more than 46 dBA of sound reaches the closest residences from this equipment, which is 9 dBA lower than the 55 dBA nighttime noise limitation set by the Town Noise Ordinance.

The Applicant has engaged an expert in warehouse/distribution facilities (see Appendix 2-1) to understand the implications of a 24/7 operation so that it could even better ensure that the project is consistent with the Town's character. For this type of operation, the majority of commercial activity occurs during the traditional business day and is reduced by approximately half during the second (evening) shift. During the third (night) shift, the activity is limited to in-building cleaning, maintenance, repair and restocking activity much like a grocery store prepares for the next business day. Based on truck counts at the Gap Distribution Center in Fishkill and at the Matrix Distribution Center in Newburgh, truck traffic is concentrated to the first shift, tapering into the second shift. The Applicant has offered, and the Town intends to require as conditions of Special Permit and Site Plan Approval, that no trucks access the site between the hours of 11:00 PM to 6:00 AM Monday through Saturday; and on Sunday, trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM.

The Preferred Alternative Plan would provide substantial economic benefits to the area through increased taxes and employment opportunities. The 328-acre property currently contributes approximately $143,000 to the local economy in the form of property taxes per year. As further discussed in Chapter 1, the Applicant intends to

seek a Payment in Lieu of Taxes (PILOT) agreement with the Putnam County Industrial Development Agency (IDA). A local real estate appraiser specializing in tax certiorari appraisal (Kevin M. Schick of McGrath & Company Inc.) has independently estimated that the proposed project would generate an estimated $29,233,271 more in revenue for the local taxing jurisdictions over the fifteen-year PILOT period than would be paid if the property were to remain undeveloped (see the Tax Analysis Section III.C-10). Over the 15 years that the PILOT is projected to be in place, the total revenue generated by the project for the local taxing jurisdictions would be $31,894,781. With no PILOT in place and the property paying fully assessed real estate taxes, it is estimated that $40,889,223 would be paid in real estate taxes. Therefore, the projected PILOT is approximately 75% of the total projected tax revenue and would generate substantial revenue during the first fifteen years.

In addition, the proposed project would generate an estimated $73,500,000 of annual economic output including 551 new on-site jobs during the anticipated day shift and 115 new indirect jobs. Although a total of 1,040 jobs are projected over the 24-hour period, the 551 jobs on the anticipated day shift were used in the economic analysis [Appendix 10-1] as a conservative number, but with water/septic demand and the traffic analysis taking into account all three shifts. This economic output would have a favorable and lasting impact on the local economy.

The Brewster Central School District would be a major beneficiary of the proposed development. Over the initial fifteen years of development, the school district would receive an estimated $23,785,000 in net new revenue through the PILOT agreement. As illustrated in Table II-1, if the previously approved residential units and planned office were to be developed, the school district over the initial fifteen years would be anticipated to incur a net gain of approximately $16 million (which is the net cost of educating the estimated 125 students generated) as compared with approximately $26 million from the development of the FEIS Preferred Alternative Plan which provides no net costs to the School District, with the previous project generating significantly greater impacts as illustrated in Table II-1.

In answering the community's quality of life questions, the Applicant is fully confident that the rural quality and natural beauty of Southeast would be preserved as near status quo as possible. In addition, traffic along the Route 312/I-84 corridor would benefit from the proposed additional travel lanes. Overall, the proposed project would be an economic benefit to the community.

Comment No. 2-3

Secondly, hours of operation. Is this a 24-hour operation?
(B-2, PH #1, Ms. Fay)

And what's confusing me is the place is going to be open 24 hours a day; is that correct? 24 hours, it's being open?
(B-2, PH #1, Ms. Gallo)

Quality of life – a 24x7 trucking/warehouse operation is not the type of high paying jobs that makes sense to bring into Putnam County. Why is the board even considering an option for 24x7?
(B-135, Alison Yara)

24 hour operation
(B-139, Tonia Olsoe-Rubeo)

And may allow for over 500 truck trips per day, with needed 24 hour access.
(B-142, Steve & Susan Elias)

I am concerned about things with the 24/7 operation.
(B-145, Hearing No. 3 (Mr. Gress))

Has any of them addressed not being 24/7 at this point? In terms of running overnight, is there any thought to having set hours where you're not actually – (Indiscernible) – 10:00 at night?

I'm not sure if that's been run into the modeling or if you're, kind of, just assuming a 24/7 operation.
(B-145, Hearing No. 3 (Mr. Hecht))

I am also in favor of restrictions. I've done a lot of research. There's plenty of logistics centers, warehouses, whatever you want to call them, that do not run overnight, that shut down on a certain time frame, so you don't have trucks coming in and out during the overnight hours.
(B-145, Hearing No. 3 (Mr. Hecht))

Response No. 2-3

Although the proposed facility would be open 24 hours per day, 7 days per week, within the industry, the majority of commercial activity occurs during the traditional business day and is reduced by approximately half during the second (evening) shift. During the third (night) shift, the activity is limited to in-building cleaning, maintenance, repair and restocking activity much like a grocery store prepares for the next business day. Based on truck counts at the Gap Distribution Center in Fishkill and the Matrix Distribution Center in Newburgh, truck traffic is concentrated to the first shift, tapering into the second shift. The Town intends to require, as conditions of Special Permit and Site Plan Approval, that no trucks access the site between the hours of 11:00 PM to 6:00 AM Monday through Saturday, and on Sunday trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM.

The Preferred Alternative Plan would pose few if any impacts to the surrounding community, even with 24/7 operations. The nearest building to the Twin Brook Manor residences for the Preferred Alternative Plan is approximately 1,210 feet distant as opposed to approximately 600 feet for the DEIS Plan. In addition, an approximately 12-foot high berm is proposed on the site to further block views of the buildings from Twin Brook Manor. The distance of the nearest proposed building (Building B) to the Hunter's Glen residences remains at approximately 1,415 feet or just a little over a quarter-mile. Also, trucks would no longer be able to circulate around the buildings, with only

employee parking situated on the side facing Hunter's Glen. In addition, trucking activity is concentrated on the side of the buildings facing away from the condo communities, with the buildings acting as a sound barrier to these communities. The buildings would also help buffer the noise from the existing approximately 9,000 daily truck trips on nearby I-84. These conditions help to reduce potential noise impacts for Hunter's Glen and the surrounding area to below the designated levels permitted by the Town Noise Ordinance.

The proposed lighting would be dark sky compliant. In response to comments from the residents of Hunters Glen and Twin Brook Manor, and unlike the DEIS plan, the site lighting has been redesigned so that no general illumination wall-pack lighting, which is mounted on certain building walls, is proposed for any portion of Building B facing nearby residences.; and in other locations, would be mounted at a height of 20-25 feet. In addition, the parking lot light poles would be reduced from 30 to 20 feet high. All lighting would be fully shielded such that there would be no light spillage off of the property towards Hunter's Glen or Twin Brook Manor per Town requirements. (See the full-sized Lighting Plans C-601 through C-605, within this FEIS).

Comment No. 2-4

Don't know what the best use of this property is and if it's being considered.
(B-2, PH #1, Mr. Catalano)

Why doesn't Putnam consider something useful to the residents - a YMCA, a community pool, a hotel so our guests will come and visit and don't have to drive to Danbury, CT to stay? A shelter from storms when the power goes out and any other times a shelter would be needed?
(B-8, Amanda DeHaan)

Response No. 2-4

In recognition of dramatic changes to the real estate and financing markets in the 21st century, the Applicant rethought its master plan to identify an economically viable use under current market conditions, that was consistent with its objectives and capabilities, and that would be consistent with or reduce the environmental impacts identified for the prior mixed-use plan. After careful analysis and consideration, the Applicant developed a plan for a warehouse/distribution facility use.

The State Environmental Quality Review Act (SEQRA) requires the review of the No Build Alternative and Alternatives that are feasible considering the objectives and capabilities of the project sponsor. As demonstrated in the Alternatives analysis presented in the DEIS, the proposed project would result in fewer environmental impacts than other uses. A hotel use alternative would not meet the goals and objectives of the project Applicant.

Comment No. 2-5

We're concerned about whether the operations or the anticipated operations of the facility at the building closest to us can be limited in some way so as to mitigate impacts on the residences [Twin Brook] in the upcoming years.
(B-2, PH #1, Mr. Waldinger)

One of the most important things for me that I'd like to see changed from our discussion on site is de-mapping Barrett Road and moving that building over, even if you have to combine them. I think there's about 550 feet there.
(B-3, PH #2, Mr. Larca)

And I would also support the idea of moving further away from Twin Brook, if we can figure out that roadway.

But building design. I know it's very - - in its early stages, but it seems like maybe we could do a little more studying on the actual shape 4 and maybe where they are.

And I'm wondering why – that orientation, I think, at Lot 4, if you could rotate that building, then maybe you can get further away from the development, and it might make it a little – little easier to accommodate that distance between them.
(B-3, PH #2, Mr. Cyprus)

If you're going to move that warehouse away from Twin Brook and slip it to Barrett Road, is it going to now be closer to Hunters Glen?
(B-3, PH #2, Ms. Fay)

The nearest building will be moved further than the original design of 400 feet from Twin Brook and the truck loading docks will not face Twin Brook or Hunter's Glen.
(B-107, Twin Brooks Homeowners Association, Inc.)

I still don't understand the need for 4 separate buildings, multiple tenants could occupy a single building. As I mentioned in my comments, I would like to see Barrett road de-mapped and buildings 3 & 4 combined to move the corner of building 4 an additional 580 feet away from Twin Brooks. I would also like buildings 1 & 2 combined and shifted further away from Tilly Foster Farm.
(B-158, Eric Larca)

<u>Response No. 2-5</u>

The Preferred Alternative Plan reduces the number of proposed buildings from four in the DEIS Plan to two. In addition, Barrett Road is proposed to be de-mapped and otherwise abandoned by the Town so that the distance of the nearest building to the Twin Brook Manor residences could be doubled to approximately 1,210 feet in the Preferred Alternative Plan as compared to approximately 600 feet in the DEIS Plan. In

addition, an approximately 12-foot high berm is proposed on the site to help mitigate views of the buildings from Twin Brook Manor. The distance of the nearest proposed building (Building B) to the Hunter's Glen residences remains at approximately 1,415 feet or just a little over a quarter-mile.

Also, as compared to the DEIS Plan, trucks would no longer be able to circulate around the buildings, with only employee parking situated on the side facing Hunter's Glen. In addition, trucking activity would be concentrated on the side of the buildings facing away from the condominium communities, with the buildings acting as a sound barrier to these communities. Truck access to the buildings will be controlled by security gate access, preventing trucks from simply pulling in and parking while awaiting a dock space. Standard industry practices include scheduling dock space and minimizing truck layover times.

The buildings would operate 24-hours per day, 7-days per week, 360-days per year. However, as is standard within the industry, the majority of commercial activity would occur during the traditional business day and would be reduced by approximately half during the second (evening) shift. During the third (night) shift, the activity would be limited to in-building cleaning, maintenance, repair and restocking activity much like a grocery store prepares for the next business day. Based on truck counts at the Gap Distribution Center in Fishkill and at the Matrix Distribution Center in Newburgh, truck traffic is concentrated to the first shift, tapering into the second shift. The Town intends to require, as conditions of Special Permit and Site Plan Approval, that no trucks access the site between the hours of 11:00 PM to 6:00 AM Monday through Saturday; and on Sunday, trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM. The buildings would also help buffer the noise from the existing approximately 9,000 daily truck trips on nearby I-84.

These conditions help to reduce potential noise and other impacts for Hunter's Glen and Twin Brook Manor.

Comment No. 2-6

This project is no good for … the safety of their children.
(B-2, PH #1, Mr. Feuerman)

Response No. 2-6

Traffic, noise, air quality, and other potential environmental impacts of the proposed project that could affect children have been thoroughly analyzed. As presented in the DEIS and FEIS, no significant adverse noise or air quality impacts are anticipated. Further, the proposed project would mitigate site traffic along Route 312 and Pugsley Road. The proposed roadway widening would improve emergency response, and access and visibility for school busses. The intersection and roadway improvements have been designed in accordance with NYSDOT standards to provide proper roadway geometrics, thereby minimizing the potential of accidents. Therefore, the proposed project has adequately addressed safety concerns, including the safety of children. See also Response 4-7, Response 4-47B, Response 4-48, Response 4-61, and Response 4-65.

Comment No. 2-7

There's so much warehouse space where people have moved out, commercial space that's unused that's just rotting away at this point, and we're trying to tear down more trees and rural space to build more logistics centers that - - who knows if this is going to be a success or not.
(B-2, PH #1, Ms. Yara)

There are many other industrial areas that are already available for this purpose.
(B-107, Twin Brooks Homeowners Association, Inc.)

Response No. 2-7

The industrial vacancy rate is currently 5% in the area and the office vacancy is closer to 18% overall and 25% in the sub-region, according to the CBRE Group, Inc., a commercial real estate services and investment firm (see Appendices 2-1 and 2-2). SEQRA jurisprudence establishes that private applicants, who lack the power of eminent domain, cannot be required to consider properties that they do not own, because, "[i]t would be unrealistic, and, indeed, onerous to impose upon private developers the obligation to acquire alternative sites or options to purchase them and then submit all the sites to the lead agency for review and selection." Horn v. International Business Machines Corp., 110 A.D.2d 87, 97, 493 N.Y.S.2d 184, 191 (2d Dept. 1985), leave to appeal denied, 67 N.Y.2d 602, 499 N.Y.S.2d 1027 (1986).

Therefore, while empty warehouses may exist in the Town of Southeast, they are not under the control of the project sponsor. Further, the Applicant has indicated that warehouse/distribution facilities have specific operational requirements that typically cannot be met by existing buildings.

Comment No. 2-8

Now, I belong to the fire department. Okay. I don't want to see more residential homes go in here. You know, we don't have enough EMTs as it is. I don't see anybody in here that's a volunteer there. So this is a good use for the property.
(B-3, PH #2, Ms. Miller)

Response No. 2-8

Comment noted.

Comment No. 2-9

So one of the things you might just consider is that e-commerce is here to stay, and it would be nice to look at this as a project that might - - might benefit your town.
(B-3, PH #2, Mr. Gates)

Response No. 2-9

Comment noted.

Comment No. 2-10

I was talking to this gentleman earlier, and he suggested I submit to the board I have petitions with several signatures of residents - - concerned residents of Putnam County, Westchester County, Connecticut, opposing this project.
(B-3, PH #2, Ms. DiDonato)

Response No. 2-10

So noted.

Comment No. 2-11

Okay. So you're basically removing open space in a residential development for the use of this, and you're telling us that we're going to have all these tax benefits.
(B-2, PH #1, Ms. Armstrong)

Response No. 2-11

The previously approved residential development is no longer being pursued. The proposed warehouse/distribution center would have more open space and would result in greater tax revenue and fewer costs than the previously approved project.

Phase I of the previously approved project was to use a 185.2-acre portion of the property for the development of 143 single-family homes and 237,000 square feet of the property for office/commercial space. As illustrated in Table III.C.2-1, below, the percentage of Town-defined open space was approximately 67% for the approved/planned Mixed Use from the 1992 DEIS. The open space for the FEIS proposed warehouse/distribution facility comprises approximately 85% of the Applicant's property. The open space for the warehouse/distribution facility is more continuous compared with the typical open space associated with single-family homes and office/commercial space.

Please refer to Response 10-3 for a discussion of tax benefits.

	Table III.C.2-1 Open Space Plan Comparison	
Parameter	**Mixed-Use Plan**	**FEIS Preferred Alternative Plan**
Open Space	67%	85%

Comment No. 2-12

What is the environmental impact of this project?
(B-8, Amanda Dettaan)

In fact, Northeast Logistics is the very antithesis of these goals: harming and degrading the environment.

(B-117, Ann Fanizzi)

Response No. 2-12

See Response 2-2. The environmental impact of the project was discussed in depth in the DEIS. Since that time, in response to public comments and comments from various governmental agencies, the Applicant has made a number of changes to further avoid and mitigate environmental impacts through the Preferred Alternative Plan.

These changes are discussed in Section 2, Potential Impacts, of the FEIS.

Comment No. 2-13

However, another new reality, namely acts of terrorism were never mentioned. New York City has been a prime target for terrorists and this center would make an ideal "soft target'.
(B-91, Alan Wendolski)

What if massive amounts of hazardous chemicals (such as chlorine, ammonia, pest control products, etc.) were ordered and tracked on-line to the center in time for the attack?
(B-91, Alan Wendolski)

Response No. 2-13

As described in Response 3-8, the Town intends to require as conditions of Special Permit and Site Plan Approval that the Preferred Alternative facility shall not handle or store hazardous substances that are subject to regulation by the New York State Department of Environmental Conservation (NYSDEC) pursuant to 6 N.Y.C.R.R. Part 596. The NYSDEC is the State agency primarily responsible for the handling and storage of hazardous substances. NYSDEC has declared its intention to preempt the field in regulating the handling and storage of hazardous substances, declaring that its

regulations preempt unauthorized and inconsistent local laws or ordinances. See 6 N.Y.C.R.R. § 598.2.

Accordingly, as conditions of Special Permit and Site Plan Approval, the Town Board can establish that "hazardous substances," as that term is defined in the NYSDEC's regulations and which are subject to regulation by NYSDEC pursuant to 6 N.Y.C.R.R. Part 596, shall not be handled or stored at the Preferred Alternative facility. The Preferred Alternative is not intended to handle or store hazardous materials in the magnitude or means subject to regulation by the NYSDEC. Rather, it would be handling and storing ordinary consumer goods that may contain trace elements of substances that are considered hazardous, such as nail polish, televisions, and computers.

Comment No. 2-14

Hi lot of discrepancies between these two statements/articles. One stating over 500 tractor trailers a day, other saying 6 to 8? One is an attachment.
Please can we have the truth.
(B-33, Gary Hamburg)

Response No. 2-14

This comment references two separate proposals, the $100 million dollar distillery project is slated for the Town of Carmel, and the warehouse/distribution facility is slated for the Town of Southeast.

Based on the counts conducted at the Gap Distribution Center in Fishkill and Matrix Business Park in Newburgh, the Preferred Alternative Plan could be expected to generate 130 truck trips per day (or about 65 trucks entering/exiting each day).

Comment No. 2-15

Hudson Valley Economic Development Corporation supports Interstate Logistics plan to build a 1MM + square foot Logistics Center in the Town of Southeast. We believe logistics centers are in high demand based on current market conditions, and this project will have a far less environmental impact on the site than the previous mixed use plan. The project, which poses relatively few demands on governmental services, provides a substantial net fiscal gain to the community. It would generate an annual average of approximately ten times the current property taxes of $140,000. There are also significant job numbers associated with this project: Direct, indirect and induced jobs to be created during the construction phase of the logistics center are anticipated to reach 818 jobs. In addition, the operation of the proposed project is anticipated to generate 919 direct, indirect, and induced jobs at the local level, including 665 direct jobs from the operation of the proposed facility across a wide level of skills. Many of the Southeast residents, as well as the surrounding communities will be able to take advantage of this opportunity, increasing family income and retail spending.

The project owners plan to maintain the rural character of the area and will offer several acres at the Route 312/Pugsley intersection to Putnam County for inclusion in the Tilly Foster Farms project, further enhancing the rural character along Route 312 and assuring the protection of the Town's aesthetics. Traffic is always a concern however extensive mitigation is proposed to accommodate the project and the associated site generated traffic volumes.

We support Northeast's efforts to invest in the Town of Southeast and Putnam County and to bring jobs and economic vitality to the Hudson Valley Region.
(B-45, Hudson Valley Economic Development Corp.)

Putnam County Economic Corporation supports the Northeast Interstate Logistics Plan, comprised of 332.64 acres, located at the Route 312 and Pugsley Road (Exit 19, Off Route 84). Of the proposed five lots, 3 will be the site for 4 buildings totaling 1,234,575 S.F of warehouse space. Lot 4 will remain vacant and Lot 5 will contain the wells to service the

proposed buildings. This change from "Campus at Fields Corner" of 143 unit residential development, to warehouse will now have a far less environmental impact on that area. Without residential housing and no students to educate, there will be no impact on area schools. We believe this project will yield a net fiscal gain to this community; would generate an annual average of approximately ten times current property taxes of $140,000.

Significant workforce and job creation is anticipated. From our labor force research, the direct, indirect and induced jobs to be created during the construction phase, is anticipated to be 919. This includes 665 direct jobs from the operation of the proposed facilities across a wide level of skills. We believe that due to its central location, many Town of Southeast residents, as well as surrounding communities, will want to take advantage of these job opportunities that in turn, positively impact family income as well as support their retail spending.

Of special note and with an eye on 'thoughtful economic growth', the owners are sensitive to maintaining the beauty and rural character of their acreage. They have offered acreage at this intersection for inclusion in the county owned Tilly Foster Farm project, further ensuring its character and Town aesthetics.

Additionally, traffic volume associated with warehouses is remarkable. Extensive mitigating proposals are in place to target this matter. Specifically, the intersection, the time of each traffic pattern, the signalization of the intersection, offering dual left turns with shared right turns along Pugsley road as well as widening NY 312 to receive the dual left turn. Traffic signal timing improvements are also proposed at the intersection of NY 312 and Independent Way.

We support this proposal and believe it is within keeping with thoughtful economic development while bringing rate-ables and jobs to Putnam County's Town of Southeast.
(B-46, Putnam County Economic Development Corp.)

<u>Response No. 2-15</u>

Comments noted.

Comment No. 2-16

We respectfully request copies of all future submissions as an Interested Party and we reserve our right to comment further on the project as it moves through the review process.
(B-98, Snyder & Snyder)

DEIS, page 1-53, add the Office of the NYS Attorney General, Watershed Inspector General, Environmental Protection Bureau as an interested party.
(B-108, Watershed Inspector General)

Response No. 2-16

The Office of the Watershed Inspector General and Hunter's Glen have been added to the list of Interested Agencies. Copies of all SEQRA notices will be mailed to the interested agencies or their designated representative. The SEQRA notice includes the website address where the complete document may be located, as well as where hard copies may be obtained.

Comment No. 2-17

I do not see any attributes that this project could possibly bring to our community.
(B-118, Cherie Ingraham)

Response No. 2-17

See Response 2-2 and Response 10-3.

Comment No. 2-19

In terms of the layout of the buildings, you know, we talked when we were on site. I don't – I still don't understand why there's four buildings in this proposal for a logistics center. I mean, even some of the examples that you shared with us in the prior slide, the smaller building, much smaller than Gap, was half a million square feet. So I'm not sure why you have four separate buildings here split up.
(B-145, Hearing No. 3 (Mr. Larca))

What I'd like to see, as you discussed and we discussed, is Buildings 3 and 4 combined and pushed away from Twin Brooks. And again, I don't know why Buildings 1 and 2 are separate. I know the lot line is in between Buildings 1 and 2.
(B-145, Hearing No. 3 (Mr. Larca))

And I think some of this is probably similar to what Eric said, but if – you know, if we can get rid of Barrett Road - - or I think you discussed privatizing it. I'm even saying get rid of it. Is there a way to shift both buildings away or even combine Buildings 3 and 4 into one building, something like that? Just, you know, anything we can do to get away from those communities, I think, would be great.
(B-145, Hearing No. 3 (Mr. Cyprus))

And I'd also - - you know, the buildings have always been a little bit odd for me, the number of them or the way they are - - I don't know how the site fully functions from a, you know, mile above view. So maybe you can drill into that and show us, and maybe you'll discover something that might unlock a solution that might be more beneficial. I don't know. That's it.
(B-145, Hearing No. 3 (Mr. Rush))

Response No. 2-19

See Response 2-2, Response 2-3, and Response 2-5.

Comment No. 2-20

And I don't know if you have to answer this in the FEIS, but I'm curious to know if you get the – the use approved but not the zoning change, will you abandon Building 1 and move forward with this project on a smaller scale?
(B-145, Hearing No. 3 (Mr. Larca))

Response No. 2-20

Unlike the DEIS Plan, the Preferred Alternative Plan proposes no zoning text or zoning map amendments, including no rezoning proposed of any portion of the Applicant's property that is in the Town's RC "Rural Commercial District". All of the Applicant's property located in the RC District would remain zoned RC District. The stormwater retention and septic facilities sized specifically for Building A, are located in the RC District portion of the property and are permitted under the Town's zoning ordinance. As stated above, no proposed buildings would be situated in the RC District; rather, all buildings would be situated on Lots 2 and 3, which are wholly within the OP-3 District (Figure I-6).

Comment No. 2-21

And I think one of the biggest issues with this project is that you don't have a tenant; so everything is hypothetical. So I'm curious to know if you've been talking to any potential tenants and what that would look like.
(B-145, Hearing No. 3 (Mr. Larca))

Response No. 2-21

The Applicant with its marketing team is actively engaged with the marketplace and is generating user interest in the project. The property needs to have approvals to attract

serious interest and commitment from users, as users generally do not consider sites until they understand whether or not the property can be developed for their intended use.

Comment No. 2-22

Can you include the full marketing pitch/statements being presented by CBRE to prospective clients?
(B-154, Carlos Passi)

Can you share the list of potential tenants?
(B-154, Carlos Passi)

Response No. 2-22

See Response 2-21. As stated in that response, the property needs to have approvals to attract serious interest and commitment from users, as they generally do not consider sites until they understand whether or not the property can be developed for their intended use. The preliminary marketing materials are included in Appendix 2-2. As the project moves through the approvals process, new marketing materials will be developed that reflect what is pending or has been approved by the Town.

Comment No. 2-23

The environmental impacts on quality of water, flora and fauna are all very clearly defined and must be followed by both the applicant and the Town.
(B-159, Daniel Armstrong)

Response No. 2-23

Comment noted. The purpose of this environmental impact statement process is to assess the means for avoiding or mitigating the project's potentially significant adverse impacts to the maximum extent practicable, consistent with social, economic, and other considerations.

Comment No. 2-24

Is this project already approved and will the building (construction) be going forward? If not yet approved will there be a public vote?
(B-164, Dalia Valdajevaite)

Response No. 2-24

The project is not yet approved. The process is to complete the SEQRA review of the entire project before the project may proceed to the Town Board for Special Permit approval, demapping of Barrett Road, and to the Planning Board for Site Plan Approval, Subdivision Approval, and a local wetland permit.

Public hearings will be conducted during each phase of the process to obtain public input, but there will be no public vote, which is true for any land use application.

Comment No. 2-25

The DEIS discusses the concept of maintaining 80% open space on the project site. This statement is misleading as only 195 acres of the site's approximately 328 acres, a little more than half, will remain undisturbed. This is due primarily to the presence of NYS-regulated freshwater wetlands on site that are protected and unbuildable. More importantly, the resultant percentage of property is designated as "green" following disturbance/construction does not

include any mention of conservation easements or other legally binding measures to ensure that open spaces remain "green."
(B-137, NYCDEP)

Response No. 2-25

For the FEIS Preferred Alternative Plan, sixty-three percent (63%) of the 328 acre property would remain completely undisturbed throughout the development process for the proposed project. Following development approximately 85% of the Applicant's property would remain Town-defined open space either in a natural state or as landscaped spaces.

The Applicant has proposed to place " no-development area " restrictions on approximately 172 acres of the property. The no-development areas would prohibit any future building development in these locations.

III.3 Land Use and Zoning

Comment No. 3-1 [Rezoning from RC to OP-3]

As part of the proposed project, the Applicant proposes to rezone approximately 39 acres of the site from RC to OP-3. The Applicant proposes to maintain a buffer of RC between the proposed project and NYS Route 312. AKRF supports the retention of a buffer of RC zoning along NYS Route 312.
(B-1, AKRF)

I'm also interested to understand what other RC properties would fall under the changing of this zoning. So I think the gentleman mentioned that this is the only RC that would fall under this zoning change, or are we going to have other properties that will change?
(B-3, PH #2, Ms. Jacobs)

Importantly, the new Rural Commercial (RC) zones reduced the potential of intense development that would exacerbate traffic congestion:

The Comprehensive Plan includes recommendations to adjust permitted uses within the commercial zoning districts to reflect community character and water quality objectives. … Certain of the Office Park (OP) zoning districts would be rezoned to a new "Rural Commercial" zoning districts to encourage less intense, but certainly of equal or high value, commercial uses such as corporate retreats, bed & breakfast or inn, or horse farms. These uses would be more consistent with the community's rural character, especially at these important gateway locations. From an environmental impact perspective, less intense commercial uses would likely result in fewer impacts from traffic and greater protection of water quality as impervious surface areas would be minimized.

The Town then rezoned most of the project site to RC.

In 2014, the Town updated its CP. Resident responses to surveys and CP committee members recommended maintaining the RC zones. The 2014 CP states:

The intent of this [RC] rezoning should be maintained, in that the Zoning Map and Code should encourage uses that would maintain and enhance the parcels' scenic qualities and rural character.

2014 CP at 7-3.
(B-163, James Bacon, Esq., P.C.)

Response No. 3-1

In response to public comments, the Preferred Alternative would maintain the existing RC Zoning District boundary. No zoning text or map changes are proposed (see Figure I-2). The Preferred Alternative would be located entirely within the Town's OP-3 District, where the proposed project is a permitted use. All property currently zoned RC would remain zoned RC. The stormwater retention and septic facilities that would be located in the RC District in connection with Building A (and sized specifically for Building A) are permitted within all zoning districts in the Town.

Building A, which would be the closest to Route 312, would be approximately 2,150 feet from Route 312. Intervening topography would also make Building A virtually invisible from Route 312. Route 312 is at an elevation of 550 feet at its nearest point, while Building A (with a finished floor elevation of 645 feet) would be below and behind the ridgeline (with a top elevation of 672 feet) located between Building A and Route 312. In summary, distance, topography and dense undisturbed vegetation would obscure Building A's visibility from Route 312. (DEIS at III.C-11 & C-13), and Figure 1-3).

The 2014 Comprehensive Plan Update (CPU) also identifies this site as being within a potential commercial activity area. (See CPU, at Figure 7-1, Area #2.) The CPU identifies

this area is a "node of commercial activity" such that future potential development for commercial purposes is compatible with that vision. The Applicant submits that locating the proposed distribution center on OP-3 zoned property preserves Route 312's rural character, meets this vision and the intent of the Town's RC zoning. The parcel's scenic qualities and rural character as they are experienced by neighbors and passersby are buffered by the RC zoned parcels and quarter mile set back buffers.

<u>Comment No. 3-2</u> [Allowable Uses in OP-3]

One point of clarification, which I think our town planner can answer, I heard that warehouses are in the OP-3 Code.
(B-3, PH #2, Ms. Eckhardt)

I firmly believe that all property owners, when they're doing a development, should follow existing zoning and existing comprehensive plan. OP-3 did not allow warehouses. OP-1 and OP-2 allowed warehouses. I know that you want to get a change for a logistic center. And you have your definition for it, but I believe it's a warehouse. And, of course, you're going to have to address that to the town board. But if we are not going to be able to make certain corrections to this project on the traffic, I would not be in favor of allowing warehouses to go up.

I'd say put up 150 homes.
(B-145, Hearing No. 3 (Mr. Gress))

In terms of the zoning, I was very disappointed when reading the DEIS, because it does quote in here that in addition to the traditional warehouses and light manufacturing functions that are permitted -- and to Jack's point -- he and I compared notes. There is not -- warehouses are not permitted, and it's misleading.
(B-145, Hearing No. 3 (Mr. Larca))

The developer states in the Full Environmental Assessment Form (see below text) that land zoned OP-3 includes Warehouse use. The town's Commercial Zoning Schedule, 12-01-2015

does NOT show Warehouse as a Permitted Principal Use; Permitted Accessory Use; Special Permit Use; or Conditional Use. Does Warehouse need to be a permitted use in OP-3, before adding Logistic Centers to our Zoning Code?
(B-155, Cathy Croft)

A zoning text amendment is proposed to permit a new "logistics center" conditional use within the OP-3 district, which district already includes a warehouse use.
(B-155, Cathy Croft)

Please remove the following comment and any similar comments from the DEIS completely. "In addition to the traditional warehouse and light manufacturing functions that are already permitted under the Town's Zoning Code" This is completely false as warehouses are not listed in the OP3 district.
(B-158, Eric Larca)

As discussed below, the project does not conform with the Town's zoning code as warehouses are not permitted in the RC or OP-3 zones.
(B-163, James Bacon, Esq., P.C.)

<u>Response No. 3-2</u>

The DEIS broadly referred to "Warehouse" as a use permitted under the Town's Zoning Code. While true, as noted by the commenters and as reflected in DEIS Table III.A-1, this use is not currently allowed in the OP-3 Zoning District. The Town Code specifically does, however, allow "Light Manufacturing" uses, as defined in the Town Code, as a Special Permit use in the OP-3 District. The Preferred Alternative qualifies as a "Light Manufacturing" use under the Town Code.

The Town Code defines "Light Manufacturing" as "[i]ndustrial uses such as manufacturing, processing and assemblage that are of a nonpolluting nature, particularly in regard to reservoir and groundwater resources, noise and air quality." (Town Code

§ 138-4.) Notably, this Code definition tracks the language of the Town's 2014 CPU, which specifically states that uses categorized as either "Industrial or Light Industrial" "include traditional industrial uses as well as *warehousing and distribution facilities*." (2014 CPU at 5-2 (emphasis added).)

Since the Town Code itself offers no real definition of the phrase "[i]ndustrial uses," as a matter of law, this term must be accorded its plain and ordinary meaning, with any ambiguity resolved in favor of Putnam Seabury's private property rights.

The plain meaning of the word "industrial" generally refers to anything relating to "productive or profit-making enterprises" that depend upon "systemic labor." As such, the phrase "industrial uses" must be construed to encompass a wide variety of "profit-making enterprises" that are dependent on the use of systemic labor activities, including warehouses and distribution facilities.

The terms "processing" and "assemblage," in turn, correlate to the uses envisioned for the proposed warehouse/distribution facility. The intended use would include multiple services that are forms of processing and assemblage, including "handling, shipment, consolidation, repackaging, labeling, assembly, aggregation, transloading, refrigeration, [and] management." (See DEIS at II-3.) The activities that will take place in the proposed warehouse/distribution facility all involve aspects of assembling and processing goods and materials for redistribution.

As such, the intended use qualifies as Light Manufacturing under the Town Code because it will entail the use of systematic labor to process and assemble goods and materials for redistribution.

For additional discussion regarding this issue, see Chapter II (Potential Impacts and Mitigation Measures), Section B.1 (Land Use and Zoning).

<u>Comment No. 3-3 [Rezoning]</u>

Please keep the zoning as is - residential.
(B-58, Angela Cuomo)

Why do we have zoning laws if they can be broken?
(B-35, Christine Capuano)

My second objection is to the Re-Zoning and Zoning text modification requests.
(B-67, William Heath)

We would like the zoning laws currently on the books upheld in order to maintain the integrity of our neighborhood.
(B-104, Nathalie Del Vecchio and Roberto Molina)

If the zoning change is granted will it open the door for other developers to ask for zoning changes as well?
(B-118, Cherie Ingraham)

This land was zoned as it is now for a reason...it is not suited for such a radical change.
(B-131, Christine Capuano)

My last question is I am wondering why we even have zoning laws if they can be changed to suit any developer?
(B-140, Christine Capuano)

I am not in favor of zoning amendments.
(B-173, Beth Mazzei)

First of all why do we even have zoning laws if they can be changed with the stroke of a pen.

(B-174 Christine Capuano)

Response No. 3-3

In response to public comments, no zoning text or map amendments are proposed. The Preferred Alternative does not call for any rezoning actions. The buildings associated with the Preferred Alternative would be located entirely within the Town's OP-3 District, where they are allowed by Special Permit (please refer to Responses 3-1 and 3-2).

Consistent with the CPU, the Preferred Alternative would preserve Route 312's rural character by maintaining a buffer and by not proposing any buildings in the RC District. The Applicant is willing to impose upon its entire RC property non-development restrictions which would prohibit any future building development on the RC portion of its Property. As a result, Building A, which is the closest of the two buildings in the Preferred Alternative Plan to Route 312, would be approximately 2,150 feet from Route 312, versus 965 feet for Building 1 in the DEIS Plan.

Comment No. 3-4 [Comprehensive Plan]

The last thing is: I have something to say about the comprehensive plan. And in in the comprehensive plan, it mentions the word balance. Now, when I think of balance, I think of harmony, of security. You know, pretty - - pretty - - homeostasis.
(B-2, PH #1, Ms. Fanizzi)

Now, when did that comprehensive plan come into effect?

It was adopted barely four years ago. Barely. So - - so now we have a developer who comes in and says, Oops, you forgot something. You need to include logistics centers in the conditional permit.

You don't need to do - - well, this planning board doesn't do it. I'll make that comment for the town board.
(B-2, PH #1, Ms. Fanizzi)

And the one thing that the applicant should know when you point to that is we purposely plucked out this - - the 312 corridor there, because Crossroads was in front of the board. We felt it would be very unfair to rezone anything there at the time, and I think it's important to know that we just didn't touch that whole area.
(B-2, PH #1, Ms. Eckhardt)

It seems to me that we have a Master Plan for the town that should serve as a guide to what we want our community to be and look like. I think we should adhere to the vision of our town as laid out in the Master Plan.
(B-67, William Heath)

The current zoning codes were established in our Comprehensive Plan for a reason-to maintain the semi-rural character of Southeast.
(B-70, Helen Dorkin)

In comments on varying aspects of the project, oral and written, the residents of the Town of Southeast have expressed the view that this project on all levels violates the spirit of the Comprehensive plan.
(B-117, Ann Fanizzi)

This project is not in alignment with the Town of Southeast Comprehensive Plan.
(B-118, Cherie Ingraham)

In closing I would like to mention that the Town of Southeast updated their Comprehensive Plan (http://southeast-ny.gov/DocumentCenter/View/102/2014-Adopted-Comprehensive-Plan-PDF?bidId=) in 2014. The following text is taken from Section 5: Land Use Community, Character, and Zoning: 5-6

"FUTURE LAND USE

Figure 5-2 illustrates future land uses based on the existing Zoning Map and proposed changes to commercial development patterns (described below in "Zoning" and in Sections 6 and 7). The areas of particular interest to the Town with respect to future development are described below.

RURAL COMMERCIAL DISTRICTS

Following the adoption of the 2002 Comprehensive Plan, the Town implemented a new "Rural Commercial" (RC) Zoning District at key entry points into the Town and specific parcels of notable rural character. Uses to be permitted in this new district recognize the importance of visual character, and could be linked to Hudson Valley tourist-oriented development. To further the tourism oriented uses recommended in the 2002 Comprehensive Plan, this Comprehensive Plan Update recommends revisiting the permitted principal and special permit uses in the RC Zoning District. Additional uses that could be considered are craft workshops, agricultural tourism based businesses, and performing arts or other arts based uses."

Our town purchased 156.18 acres of land with our Open Space funding in 2007. This property is located next to the land zoned RC that the applicant would like to have changed to OP-3 Zoning. Changing the zoning to OP-3 would not be in the spirit of the Comprehensive Plan.
(B-155, Cathy Croft)

And, pursuant to the Comprehensive Plan (CP), the Town Board specifically adopted the RC zone to diminish traffic congestion because the bridge on Rt. 312 crossing Rt. 84 is inadequate to handle traffic volumes
(B-163, James Bacon, Esq., P.C.)

As above, the Town rezoned the project site from OP to RC specifically to "permit commercial development that has a smaller impact on environmental systems and the traffic network." (See updated CP adopted August 21, 2014, Section 5: Land Use, Community Character, and Zoning at page 5-21.

However, the Applicant proposes just the opposite.
(B-163, James Bacon, Esq., P.C.)

And, contrary to the Applicant's statements in the DEIS, the updated CP singled out the project site stating the area's RC zoning should remain:

Route 312 west of Pugsley Road contains parcels with significant visual appeal and the previous rezoning of this property should be maintained

Emphasis added - Town of Southeast Comprehensive Plan, adopted August 21, 2014 at 7-4.
(B-163, James Bacon, Esq., P.C.)

And, the updated CP directs the Town to:
Ensure that all local laws, including the zoning code and subdivision regulations, are consistent with the recommendations contained in this Comprehensive Plan and are adequately enforced.

Id. at 5-23, "Implementation Actions."

Finally, if the Town were to amend the Code, the CP directs the Town to "put a greater emphasis on… mitigation of potential impact of a particular use (e.g. traffic)." CP 5-24.
(B-163, James Bacon, Esq., P.C.)

<u>Response No. 3-4</u>

In response to public comments, the proposed project has been revised to maintain the existing RC Zoning District boundaries and zoning text in full. Changes proposed in the DEIS to the RC Zoning District will not be pursued. The Preferred Alternative maintains the existing zoning district boundaries, and the proposed buildings would be constructed entirely within the OP-3 Zoning District where "Light Manufacturing" is a Special Permit Use.

The classification of the Preferred Alternative as a "Light Manufacturing" use is supported by the Town's 2014 CPU. The CPU specifically states that uses categorized as either "Industrial or Light Industrial" "include traditional industrial uses as well as *warehousing and distribution facilities*." (CPU at 5-2 (emphasis added)). The Town's 2014 CPU further set forth the Town's intent to allow warehouse/distribution facilities within the OP-3 District, by allowing "Warehouse" and "Light Manufacturing" uses as "Conditional Use Permit" uses in a new OP-MU Zoning District which was intended to replace the OP-3 Zoning District.. (See CPU at Table 5-3 at 5-22 & Figure 5-5.) The re-naming of the OP-3 Zoning District to OP-MU was primarily due to the proposed combining of the OP-1 and OP-2 Zoning Districts into one OP District. However, when the Town Board undertook a series of zoning updates in 2015 to implement the Comprehensive Plan, they elected to retain the existing OP-1, OP-2, and OP-3 Zoning District names and instead make some adjustments to the permitted uses within those zoning districts.

Both the 2002 and 2014 CPU considered the area around the I-84/Route 312 Interchange to be a node of commercial activity (See CPU, at 7-4.). However, as noted by one commenter, due to past litigation on the subject property and an on-going approvals process for the nearby Crossroads 312 project, the 2014 CPU focused its attention more heavily on other parts of the Town and specifically did not include substantive updates to this area. Instead, it carried the recommendations of the 2002 Comprehensive Plan forward.

Finally, the Preferred Alternative is consistent with the vision and goals of the CPU to balance a healthy economic environment with quality commercial character while protecting the integrity of the Town's natural resources and infrastructure. (See CPU, at 1-4.) The proposed project provides significant economic development for the Town in terms of direct, indirect, and induced jobs, as well as millions of dollars of direct, indirect and induced economic output during the construction phase and continuing annually during the operations phase.

The Preferred Alternative protects the Town's natural resources, by proposing that the site retain significant open space, adhering to the Town's ridgeline protection measures, providing of a substantial natural buffer from roadways and residential properties, and other measures to protect the area's rural community character.

Comment No. 3-5 [Community Character]

I don't see one positive coming from this proposal. This is a place that should be built in a commercial area where it does not disturb our idyllic community.
(B-8, Amanda DeHaan)

Slowly as we remove all our green land, we will become an overbuilt town and nothing special about living here.
(B-41, Gina Occhigrossi)

Response No. 3-5

The Preferred Alternative has been designed to minimize its visibility from off-site areas and to preserve views from Route 312, I-84, and Pugsley Road. It would also impose upon 172 acres non-development restrictions, which would prohibit any future building development upon those areas.

The 2014 CPU identifies the site of the Preferred Alternative as being within a "Potential Commercial Activity" area, which is intended to be a "focal point of commercial development." (See CPU, at Figure 7-1 & 8-4; see also CPU at 7-1.) The CPU specifically states that "any potential development in the "Campus at Fields Corner" along Pugsley Road would be compatible with this vision." (See CPU, at 7-4.) Again, the Preferred Alternative is also consistent with the vision and goals of the CPU of balancing a healthy economic environment with quality commercial character while protecting the integrity of the Town's natural resources and infrastructure. (See CPU, at 1-4.)

<u>Comment No. 3-6</u> [Ridgelines]

My question is about the ridgelines. The buildings – when we were in the field, you talked about it, and you said you were going to be excavating quite a bit of the ridgeline on the buildings to bring them down. Is there any restriction on even being in - - building in the ridgeline?
(B-3, PH #2, Mr. Armstrong)

The ridge lines should be protected from development.
(B-24, Paul Hondorf)

Vistas that Southeast residents have appreciated and loved for hundreds of years will no longer remain pristine and, in fact will be lowered by 17 feet. Our ridgeline protection plan was put into place to protect our views, not to literally diminish them.
(B-44, John Riley)

Views: *NIL is requesting the Southeast Planning Board to dismantle our Ridgeline Protection Policy.*
(B-64, Samantha Jacobs)

Changing the ridgeline protection policy leaves the door open for other developers to request the same modifications.
(B-64, Samantha Jacobs)

Violating town provisions protecting treasured ridgelines with impunity.
(B-117, Ann Fanizzi)

I strongly disagree with zoning changes that were put in place to protect our ridgelines for this proposal or any proposal that impedes on this hereafter.
(B-134, Jon Scalzitt)

Response No. 3-6

The Applicant's proposal to build within the ridgeline is consistent with the provisions permitted under the Town Code. The provisions within the Town Code, which are supported by the CPU, are aimed at minimizing off-site visual impacts to the maximum extent practicable.

Both the Town's CPU and Town Code Section 138-12.I establish that development is permitted within ridgelines so long as it is "adequately protecting viewsheds." The CPU states that future development should be regulated "to ensure that it is adequately protecting viewsheds, while allowing for reasonable development of a site." (CPU, at 5-12.) The CPU recommends specific provisions to implement this goal, which the proposed project is implementing, including siting buildings to minimize intrusions into viewsheds by taking advantage of topographic changes and existing vegetation, placing buildings to maintain harmony between the built and natural environment, avoiding "excessive clearing" (i.e., the removal of more than 10 trees per quarter acre of disturbed land), and "dark sky" compliant lighting. (See CPU, at 5-12.)

Consistent with the CPU's intent of minimizing offsite visual impacts while allowing reasonable development, the Town Code establishes that buildings and structures within any area defined as ridgeline are not, "to the maximum extent practicable, [to be] visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding property or public rights-of-way in adjoining lowlands or adjoining ridgelines." (See Town Code § 138-12(I).) As such, the Town Code specifically allows development along the top of ridgelines and/or regrading portions of the ridgeline, so long as the buildings or structures developed through such

construction activities are not, to the maximum extent practicable, visible from surrounding properties, public rights-of-way, or adjoining ridgelines.

The project conforms to this goal. The Applicant proposes to construct Building A below the top of the ridgeline, which is proposed to remain, and Building B is to be constructed at the top of the ridgeline, but below the existing grades. This reduces the buildings' visibility along the ridgeline, and, as a result, the project is minimally visible off-site. (See DEIS Volume I, I-9 to I-10.)

The project also complies with the Town Code's prohibition against "excessive clearing" on ridgelines. (See Town Code § 138-12(I).) The second part of the ridgeline protection statute prohibits excessive clearing of any ridgeline area to be permitted for the purpose of site access, site landscaping, installation of subsurface sewage disposal systems, or any other modification to the natural land. Accordingly, the Code provides criteria relative to the number of trees that can be removed without "excessive clearing." The term "excessive clearing," pursuant to the Town Code, means the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed. The Applicant submits that it would be preserving existing trees within the ridgeline and adjacent areas where practicable. The Applicant would be removing trees at a ratio substantially below the maximum number of trees permitted to be removed by the Town Code. (See DEIS Volume I, I-10.)

Comment No. 3-7 [Grading and Slopes]

Based on the proposed contours and elevations shown of the Grading Plans, there are several areas within the project where it appears that manufactured slopes and/or retaining walls exceed the height requirements of §138-15.1 of the Zoning Regulations.
(B-4, Jacobson Engineering, Joseph M. Dillon, P.E.)

Response No. 3-7

The Preferred Alternative modified the DEIS site plan in response to public comments and involves significantly less grading than the project evaluated in the DEIS. The Preferred Alternative has been designed to stay within the height requirements of Section 138-15.1 of the Town Code and to avoid any other variances from the Town Code.

Comment No. 3-8 [Storage of Hazardous Materials]

What kind of goods and merchandise products, will be stored in these warehouses? Do we have hazardous materials? Do we have to be concerned that there could be some environmental issues with the goods that go into these warehouses?
(B-2, PH #1. Mr. Gosselink)

And I think on the non-hazardous materials, which I did read, obviously, in the DEIS, I think it would be helpful to make sure that doesn't include - - that does include fertilizers. There are things that seem non-hazardous, but they can be. And so I think a better definition - - I know, being on the town board, I think a better definition, a very clear definition of what's considered non-hazardous might be helpful, because it can vary.
(B-2, PH #1, Ms. Eckhardt)

What are non-hazardous goods? So is that potentially food products or not? Because how much garbage is this going to be generating, and is it going to be stinky garbage? So I'm curious about that.
(B-3, PH #2, Ms. Jacobs)

Non-hazardous, is that a permanent thing, or can they, at some point, bring in hazardous materials? I mean, all of this seems to me that it could be changed.
(B-3, PH #2, Ms. Aurello)

Movement of dangerous materials.
(B-9, James Scomillio)

No hazardous materials can ever be stored at the site.
(B-107, Twin Brooks Homeowners Association, Inc.)

Next one was on HazMat. So we've had some - - you know, there's a lot of comments about hazardous materials - - (Indiscernible) - - I think you guys said that you wouldn't store hazardous materials.
(B-145, Hearing No. 3 (Mr. Cyprus))

Hazardous materials or HazMat covers a lot of stuff, even things that I don't think any of us would consider hazardous. Amazon, for example, considers things like perfume and lithium batteries hazardous. And I would imagine - - (Indiscernible.) I would think at some point we should articulate exactly what - - (Indiscernible) - - codes, you know, are allowed and aren't and what you'll be having, just so we don't end up in the future, you know, something that you're thinking hazardous is one thing and the public's thinking it's something else.
(B-145, Hearing No. 3 (Mr. Cyprus))

HAZARDOUS MATERIALS:

1) There should be a list of materials that are too hazardous to store.

2) Will fertilizer be considered a 'hazardous material'?
(B-147, Lynne Eckardt)

Do we know exactly what would be stored in the warehouses? I understand nothing hazardous however I read in one of the documents submitted that there will be the use of refrigerators. What will be stored in the warehouse? Will there be food on this site for sale? I would imagine this will attract many wild life to the facility. What steps will be taken to ensure any endangered animals or any animal are not harmed by the attraction? What steps are being taken to ensure any endangered animal is not harmed?
(B-156, Patricia Ann Yara)

Response No. 3-8

The Town intends to include a condition on the Site Plan and Special Permit that would prohibit the Preferred Alternative from handling or storing hazardous substances that are subject to regulation by the New York State Department of Environmental Conservation (NYSDEC) pursuant to 6 N.Y.C.R.R. Part 596. The NYSDEC is the State agency primarily responsible for the handling and storage of hazardous substances. NYSDEC has declared its intention to preempt the field in regulating the handling and storage of hazardous substances, declaring that its regulations preempt unauthorized and inconsistent local laws or ordinances. See 6 N.Y.C.R.R. § 598.2.

Accordingly, as a condition to any Special Permit for the Preferred Alternative, the Town Board would establish that "hazardous substances," as that term is defined in the NYSDEC's regulations and which are subject to regulation by NYSDEC pursuant to 6 N.Y.C.R.R. Part 596, shall not be handled or stored at the Preferred Alternative. The Preferred Alternative is not intended to handle or store hazardous materials in the magnitude or means subject to regulation by the NYSDEC. Rather, it would be handling and storing ordinary consumer goods that may contain trace elements of substances that are considered hazardous, such as nail polish, televisions, and computers.

<u>Comment No. 3-9</u> [Outside Storage]

As part of the proposed project, the Applicant proposes to add "Logistics Center" as a conditional use permit use in the OP-3 Zoning District. The DEIS includes proposed conditional use permit criteria. The following are comments related to the proposed criteria:

a. Notwithstanding the existing regulations regarding "outside storage," in the Town Code, the proposed conditional use permit criteria should differentiate between short-term truck parking; long-term truck parking, trailer storage, and shipping container storage; and any other outside storage. Given the nature and size of the proposed use, the Town may consider limiting any outside storage to trucks and trailers, and prohibiting the outside storage of goods and materials.
(B-1, AKRF)

b. The site plans should be required to indicate the type, use, screening, and method of delineating the outside storage areas. Methods of delineation can include fencing, pavement marking and other physical barriers.
(B-1, AKRF)

<u>Response No. 3-9</u>

In response to public comments, the Preferred Alternative has been designed to stay within the confines of the existing Zoning Code. The zoning text amendment referenced in the above comment is no longer proposed. The Preferred Alternative does not contemplate the outside storage of goods and materials, as operations are intended to be located entirely within the proposed buildings. However, small temporary outside storage areas for empty pallets and trailers will be designated on the site plan during the site plan approvals process.

<u>Comment No. 3-10</u> [24-hour Operation]

c. As the proposed facility would be open 24-hours, the zoning should consider whether or not any truck driver services would be permissible on site as an accessory use to the Logistics Center (i.e. overnight parking and rest facilities).
(B-1, AKRF)

They get there as fast as they can. If you cannot offload them, they are going to sit in their truck. If the facility is closed at some point at all, they're going to sleep in their truck overnight. (B-2, PH #1, Ms. Gallo)

<u>Response No. 3-10</u>

While the goal at every warehouse/distribution facility is to get truckers in and out of the site as quickly as possible, it is standard practice for a tenant to provide a basic lounge for truck drivers to use while their trucks are being unloaded and reloaded. These typically consist of a small trucking lounge with chairs, a vending machine and a small bathroom. As a matter of practice, warehouse/distribution facilities do not provide an overnight facility, and truck drivers are not permitted to sleep overnight in their trucks at warehouse/distribution facilities. The Planning Board will recommend that the Town Board include, as a condition of Special Permit approval, restrictions against overnight facilities or overnight sleeping at the Preferred Alternative.

<u>Comment No. 3-11</u>

d. The Applicant should consider the length of time trucks and trailers will be located on site, and whether or not proposed condition "D" should include 138.13.C. Alternatively, the conditional use permit criteria should specifically address the length of time trucks, trailers, and shipping containers may be stored on site.
(B-1, AKRF)

Response No. 3-11

Please see Response 3-9.

Comment No. 3-12 [High-Cube Facility]

Is it considered a high-cube facility? Okay. Because my question would be then: What kind of high-cube facility would it be? Because doing a little bit of research, there's a fulfillment center, a parcel hub, cold storage, transload facility, and short-term storage, and they all have different traffic flow, and they have a different amount of trucks and cars associated with each facility. So it would help tremendously in knowing what we are going to be dealing with and understanding that.
(B-2, PH #1, Ms. Woodgate)

Response No. 3-12

At this time, the Applicant has not identified the tenant(s) or occupants of the facility. Accordingly, to be conservative, the traffic analysis for the warehouse/distribution facility has been based on a typical warehouse use, and, in addition, the traffic analysis in this FEIS incorporates data from warehouse/distribution facility uses in the I-84 corridor.

Comment No. 3-13 [Barrett Road]

The applicant has stated that Barrett Road is a dead end road and is looking to have the road privatized.

I believe that Barrett Road does not dead end at the end of the applicant's property but continues to be a Town of Southeast right of way all the way to Simpson Road.

To be certain of the status of the road I respectfully request that the applicant arrange for a Title Search.
(B-162, John Lord)

Response No. 3-13

United States Geological Survey (USGS) maps dating from 1882 through 2016 show Barrett Road connecting Pugsley Road to John Simpson Road (https://ngmdb.usgs.gov/topoview/viewer/#4/40.01/-100.06).

However, Putnam County's GIS maps show Barrett Road ending at the Applicant's property, rather than running through other properties to John Simpson Road. (See attached Figure III.3-1). As requested, title searches were run on the following surrounding properties: 44.-1-24 (N/F Christy Farms SewageWks Corp), 44.-1-25.1 (N/F Cary L. Newburger), 45.-1-6.2 (N/F Taj Mahal Development Corp.), and 45.-1-7.1 (N/F Tenth Jam Upstate LLC).

Barrett Road did not appear as an exception burdening any of the above-listed properties' title reports. This strongly indicates that, to the extent Barrett Road served as a through road to John Simpson Road, the Road after the end of the Applicant's property no longer exists. Moreover, each of the title reports refer to different filed maps showing Barrett Road in different locations, with no metes and bounds description. For instance, the title report for Taj Mahal Development Corp. and Tenth Jam Upstate LLC references a map in which Barrett Road is located on the Cary L. Newburger land, while the title report for Cary L. Newburger references a map that makes no reference to the road being on that property, but instead references a map in which Barrett Road is located on the Taj Mahal Development Corp. and Tenth Jam Upstate LLC properties. Furthermore, none of the maps, or any of the title reports, contain a specific location, description or metes and bounds description of this elusive, so-called road at this location.

The only legal conclusion that can be drawn from the title information is that Barrett Road does not definitively exist past the Applicant's property, and, as such, is not a legitimate road beyond that point. While Barrett Road may appear on historic maps, it has not been opened and maintained beyond the Applicant's property for more than fifty (50) years and the Town does not carry that portion of Barrett Road on its highway inventory. Furthermore, it does not provide sole access to any property not owned by the Applicant.

Comment No. 3-14 [Previous Approval]

Is whether those approvals are actually still valid or whether they've expired, because most approvals do not stay good indefinitely.
(B-3, PH #2, Ms. Watkins)

I had one question. The approvals that are now in place for the 143 homes of commercial, that's up until 2020; correct?
(B-3, PH #2, Mr. Lord)

Okay. The other thing I didn't get a clear understanding on was - - this was stated in the public, that this is - - the applicant is under a court-ordered stipulation under agreement with the Town, and I'd like it understand what the end game is on that if this - - you don't perform by the end date of 2020. All right. You don't have to answer that, but I need to understand what that means. Okay.
(B-145, Hearing No. 3 (Mr. LaPerch))

Response No. 3-14

Pursuant to a Stipulation of Settlement between the Applicant and the Town of Southeast, which was So-Ordered on December 21, 2010 by the Honorable Joan Lefkowitz of the Supreme Court of the State of New York, the Town recognized that the Applicant has vested rights in the approvals for the 143-unit Campus at Field

Corners Subdivision Project until December 31, 2020. The Stipulation entitles the Applicant to implement, construct and otherwise effectuate the Campus Project as previously approved up until this time.

As a condition precedent to Plat Approval for the underlying Campus Project, the Applicant filed an $855,000 in inspection fees. Pursuant to the Stipulation, the Applicant may exercise the right to abandon, vacate and/or terminate the Campus Project at any time after December 31, 2014. If the Applicant does so, the Town would be required, pursuant to the Stipulation, to return the inspection fees to the Applicant. A copy of the Stipulation is included in Appendix 3-1.

<u>Comment No. 3-15</u> [Policing and Enforcement]

Most of the assurances in the developer's presentations rely on the good faith actions of truck drivers, construction companies, and then those who are leasing the site. Who is policing any of these activities, and what recourse do we have as a community if any of these promises are violated?
(B-3, PH #2, Ms. Fay)

While the construction of the logistics centers is the primary purpose of the meetings, I am to understand there might not be a tenant yet. How will all the concerns being raised by residents be enforced? If and after the planning board and the town agrees, what measures will be taken to make sure everything discussed – the tenant now and in the future agree to follow?
(B-156, Patricia Ann Yara)

Who will be responsible for enforcing regulations regarding idling trucks and lighting? Our Town of Southeast enforcement officers are already stretched thin. Lighting at the Highlands has gotten worse. (Some downward directed fixtures now are directed straight out.) Who will show up at night in the heat of summer or in the dead of winter to see if trucks are idling to run AC or heat? And will a fine actually deter this problem? We already have too many air quality alert days, and light pollution impacts thousands of residents as well as wildlife.
(B-157, Robert Zubrycki)

Response No. 3-15

Each individual tenant at a warehouse/distribution facility typically has full-time shipping and receiving supervision during trucking operations. The supervision is charged with assuring that trucks enter and exit the site as quickly as possible, at the scheduled times, and can also be designated to monitor and enforce any policies or procedures of the facility. Most warehouse/distribution facilities have strict anti-idling policies, which the occupants or tenants are charged with enforcing. The Town intends to include, as a condition of Site Plan and Special Permit approval for the Preferred Alternative, a requirement that each tenant or occupant assign and delegate specific responsibility to enforce restrictions, such as an anti-idling prohibition.

With respect to lighting, the Applicant proposes dark sky compliant lighting, and all lighting would be shielded so that there is no light spillage beyond the site's property line. Furthermore, there would be no lighting for general illumination mounted on the side of the buildings facing the residential properties, and the proposed lights on poles would be reduced from 30 to 20 feet. All of these factors ensure that the exterior lighting would not have a significant impact on the surrounding residential neighborhoods.

<u>Comment No. 3-16 [Legal Issues]</u>

We note that the Town Planner, Ashley Ley has emailed the WIG for clarification and apparently has agreed to extend the comment period on a forthcoming FEIS to 45 days.

This would be a blatant violation of the State Environmental Quality Review Act (SEQRA).
(B-163, James Bacon, Esq., P.C.)

SEQRA is clear that where a DEIS is determined to be seriously deficient in scope, that the cure is a Supplemental EIS, not simply extending a comment period on a FEIS.

Indeed, the critical comment opportunity for the public is on the draft environmental impact statement. For that reason, it is illegitimate to include an initial analysis on issues previously identified in the Scope. As the Court of Appeals has made clear, the opportunity to comment on an FEIS cannot fulfill the pivotal role of the comment period on a DEIS or SEIS.
(B-163, James Bacon, Esq., P.C.)

The Board allowing the Applicant to include entirely new information in a FEIS purporting to mitigate significant adverse impacts is a SEQRA violation which subverts the public review and comment process.

It is apparent from the WIG and DEP comments that the project will need to be redesigned due to the site's development limitations.
(B-163, James Bacon, Esq., P.C.)

In exercising their zoning powers, the local authorities must act for the benefit of the community as a whole following a calm and deliberate consideration of the alternatives, and not because of the whims of either an articulate minority or even majority of the community.

Exercise of the legislative power to zone should be governed by rules and standards as clearly defined as possible, so that it cannot operate in an arbitrary and discriminatory fashion, and will actually be directed to the health, safety, welfare and morals of the community. The more clarity and specificity required in the articulation of the premises upon which a particular zoning regulation is based, the more effectively will courts be able to review the regulation, declaring it ultra vires if it is not in reality "in accordance with a comprehensive plan."
(B-163, James Bacon, Esq., P.C.)

Response No. 3-16

SEQRA jurisprudence makes clear that the improvement of an action through the SEQRA process, including project changes from a DEIS to the FEIS, is not considered a SEQRA flaw, but rather, is evidence of a functioning SEQRA process and that the reviewing agency is taking the requisite "hard look." See, e.g., Coalition for Responsible Planning, Inc. v. Koch, 148 A.D.2d 230, 236, 543 N.Y.S.2d 653, 657 (1st Dept. 1989), ("Indeed, what better example of the requisite 'hard look' is there than the incorporation in the FEIS and adoption by the Board of Estimate of alternatives developed as a direct result of the review process?"), leave to appeal denied, 75 N.Y.2d 704, 552 N.Y.S.2d 927 (Table) (1990). The purpose of the DEIS is to provide the public with an opportunity to comment upon a project, and the FEIS serves to respond to substantive comments on the DEIS, including by providing additional information, clarifications or project modifications suggested by particular commenters. This is precisely the process that has occurred here, which has resulted in the Preferred Alternative.

SEQRA jurisprudence also makes clear that, even if, unlike here, information were completely omitted from a DEIS, SEQRA is being complied with so long as the information is subject to public scrutiny and discussion during the SEQRA proceeding. See, e.g., Horn v. International Business Machines Corp., 110 A.D.2d 87, 97, 493 N.Y.S.2d 184, 192 (2d Dept. 1985), leave to appeal denied, 67 N.Y.2d 602, 499 N.Y.S.2d 1027 (1986). In the case the commenter cites to for its contention that "the omission

of a required item from a draft EIS cannot be cured simply by including the item in the final EIS," the Court of Appeals rejected a challenge to the SEQRA process because "both the general public and the relevant public officials were thoroughly familiar" with the purportedly missing information and it was "the subject of extensive publicity and debate by public officials and the general public." See Webster Assocs. v. Town of Webster, 59 N.Y.2d 220, 228-229, 464 N.Y.S.2d 431, 433-434 (1983). Here, as the commenter recognizes, the Town Planning Board proposes to conduct an unprecedented Public Hearing on the FEIS, which would ensure the public's continuing ability to review and comment upon the project. Moreover, by virtue of the multiple Hearings held to date and the Hearings that are contemplated going forward, the public is and would remain very familiar with the project, and, again, have the opportunity to comment on it.

Finally, to be clear, while the Town Planner agreed to extend the comment period for the FEIS, neither the Town Planner, the Lead Agency, nor any other Involved Agencies have deemed the DEIS to be "seriously deficient in scope." Rather, the Planning Board as Lead Agency deemed the DEIS complete, and the public was given far more than the minimum thirty (30) days required by SEQRA to comment upon it.

Again, during the FEIS process, in response to comments received during the DEIS comment period, the Applicant is modifying its project as contemplated and encouraged by SEQRA. The Applicant's modifications respond to specific comments elicited by the SEQRA process. The information in the FEIS is not completely new, but rather a progression, or iteration, of previously conducted studies and analyses to address specific comments and concerns raised during the DEIS comment period. Again, this is how the SEQRA process is supposed to work.

<u>Comment No. 3-17</u> [Process]

Finally, we note the comments of Planning Board member Jack Gress on August 27, 2018 stating, "I'm in favor of the project." While statements for and against a project are typical in the public domain, a different standard applies for Planning Board members.
(B-163, James Bacon, Esq., P.C.)

What bothers me most is that this project has proceeded so far in apparent secret, without input from Town residents, particularly those of us from Hunter's Glenn and others who will be negatively impacted by this project should it become a reality.
(B-168, Christine Caso)

Mr. LaPerch explained to us in attendance that the role of the Planning Board was simply to see that protocols were followed correctly. Public opinion was solicited, however, and I would like to know how much weight this actually carries when it comes to actual recommendations and decisions. Members of the Planning Board are appointed rather than elected and it would seem they are not obliged to represent us in terms of the majority opinion. I would like to believe that public sentiment and opinion play a major role, if not THE major role in these situations.

Would someone please explain to me how this really works in practice with the Planning and Town Boards and in their interrelationship.
(B-172, David Buckner)

<u>Response No. 3-17</u>

Under SEQRA, public opinion is given substantial weight in the progression of the project. All comments have been reviewed and received and have led to more in-depth studies that are helping to evolve this into a better project, as reflected in the Preferred Alternative. The Applicant remains committed to meeting with individual community

members and/or concerned citizen groups that would like to engage in constructive conversations to make this a better project. The Applicant, for example, has already met with the Hunters Glen Homeowner's Association to discuss and address that group's specific concerns.

The Applicant has been and would continue to be transparent about its proposed development for the site. One commenter's suggestion that a Planning Board Member may have a conflict is without merit and unconstructive. The Planning Board member's comment was taken out of context as the statement was in fact followed by constructive criticism of the project intended to further the development of a better site plan, which is an important part of the planning process. As a case cited by that commenter makes clear, Article 18 of the New York State General Municipal Law, which governs purported conflicts of interest of municipal officials, applies to pecuniary and material interests, and not expressions of personal opinion. See Webster Associates v. Town of Webster, 59 N.Y.2d 220, 227, 464 N.Y.S.2d 431, 433 (1983). The commenter does not and cannot suggest that the Planning Board Member it has singled out has any pecuniary or material interest in the Project. As more recent caselaw notes, disqualifying residents from serving or acting on municipal boards because of their personal opinions "'would effectively make all but a handful of citizens ineligible to sit on the Board.'" Troy Sand & Gravel Co., Inc. v. Fleming, 156 A.D.3d 1295, 1304, 68 N.Y.S.3d 540, 549 (3d Dept. 2017), leave to appeal denied, 31 N.Y.3d 913, 81 N.Y.S.3d 373 (Table) (2018). In any event, the comments made by the Planning Board Member singled out by the commenter make clear that he made sincere and constructive comments about the action, which are addressed elsewhere in this FEIS.

Procedurally, the Planning Board and Town Board have different roles in the various approvals that would be required for the subject actions. While the Planning Board is acting as Lead Agency under SEQRA for the actions, the Town Board would be the reviewing authority for the Special Permit requested for the Preferred Alternative. If the Town Board approves the Special Permit, the Planning Board would then serve as the reviewing authority for the Site Plan for the Preferred Alternative.

As previously stated, the Planning Board has declared itself Lead Agency pursuant to SEQRA to study the project. The first step in the SEQRA process was for the Applicant to submit a DEIS and the Planning Board to deem the DEIS complete. The Planning Board did this. The next step in the SEQRA process is for the Applicant to submit an FEIS and the Planning Board to review the FEIS for completeness. This document is the FEIS. Once the FEIS is deemed complete by the Planning Board, it would issue a Findings Statement. Should the Planning Board issue a Findings Statement declaring that the proposed actions avoid or minimize the actions' potential significant adverse environmental impacts to the maximum extent practicable, the Applicant would then have to ensure that its application to the Town Board for a Special Permit conforms to any conditions required by the Planning Board's SEQRA Findings. The Town Board's Special Permit review would include a public hearing. If the Town Board approves the Special Permit for the Preferred Alternative, the Applicant would then return to the Planning Board for Site Plan Review.

Comment No. 3-18

What is positive about the logistic center as opposed to family housing? The "no school children" selling point? I do understand about the extra needs and costs for municipalities, however, most desirable towns want to strengthen the family aspect in a community. Why not raise our standard to be a better community, not a warehouse haven in the future.
(B-29, Gina Occhigrossi)

Response No. 3-18

Many municipalities recognize that "strengthening the family aspect in a community" involves providing jobs that support families and improving the quality of schools. Similarly, many municipalities view favorably projects, like the proposed warehouse/distribution facility, that provide substantial revenue to the school district without adding children that would use public schools.

Comment No. 3-19

How does permission for a small commercial property turn into 4 mega warehouses on a footprint three times the size of the area Home Depot is located on?
(B-76, Jackie Kaddatz)

Response No. 3-19

The 229.0 acres that the Applicant owns in the OP-3 District cannot reasonably be called small. Similarly, the Town has not granted permission for the Applicant to construct a building for "small commercial" on this property. Rather, previously, the Town has approved the property to be used for a large-scale, 143 unit residential development, with associated commercial uses contemplated.

The Home Depot is an approximately 116,593 square foot building on an approximately 489,179 square foot lot. Building coverage at the Home Depot site is therefore 23.8%. The Applicant proposes two separate buildings at its site totaling approximately 933,100 square feet, on an approximately 14,288,987 square foot lot. Building coverage of the proposed development is therefore only 6.5%.

Comment No. 3-20

Proposed Text Amendment: Simply put the proposed conditional use criteria are too vague and insufficient for such a large scale development. Moreover, the permitted waiver provision essentially strips any criteria from the conditional use requirements. We believe before acceptance of the FEIS the Planning Board and Town should engage in a significant re-write of the proposed text amendment after a thorough review of similar code provisions throughout the region. In particular greater setbacks, height, and other bulk requirements are necessary. The elimination of the 2% retail space, limits on refrigeration, limits on development uses unrelated to a logistic center, and a full list of operating restrictions and requirements to ensure

compliance are necessary. No outdoor storage should be permitted, on-site rest facilities should be provided for drivers, a strict no idling requirement should be implemented, and no truck parking or use should be allowed to the west of the proposed buildings. Significant landscaping buffer requirements should be detailed. Moreover, there should be specific design requirements for the buildings, particularly any building wall or rooftop that faces a residential zone. No fueling should be permitted on site. All mechanical equipment and generators should be baffled so that there is no increase in noise at the property line. No further subdivisions should be permitted.
(B-98, Snyder & Snyder)

Response No. 3-20

The zoning text amendment described in the comment above is no longer proposed. The Preferred Alternative does not require any amendments to, or variances from, the Town's Zoning Code. The Preferred Alternative is a permitted use in the OP-3 District, in which it would be located, and complies with all applicable zoning bulk requirements. The Preferred Alternative proposes setback buffers that are exponentially greater than those required by the Town Code. Whereas, by way of example, the Town Code only requires a fifty-foot (50') setback for the project from its property boundary with the Hunters Glen, the project, would be approximately fourteen-hundred feet (1,400') from the nearest Hunters Glen building. It would be setback approximately twelve-hundred feet (1,200') from the nearest Twin Brooks building. Notwithstanding this substantial setback, the Applicant is still proposing landscaping improvements for the area between the project and Hunters Glen and Twin Brooks, which are set forth in the Landscaping Plan, and as discussed in Response 5-27 in the Visual Analysis section.

The Preferred Alternative does not propose any retail space. As discussed above in Response 3-10, it is standard practice for a tenant to provide a basic lounge for truck drivers to use while their trucks are being unloaded and reloaded. As discussed in Response No. 3-15, each individual tenant at a warehouse/distribution facility typically has full-time shipping and receiving supervision, which would include ensuring

compliance with applicable anti-idling policies, which the supervision is charged with enforcing.

Comment No. 3-21

The water tower, which I know has been brought up, in reading the DEIS, I noticed it's 270,000 gallons proposed. I did a simple Google search for water towers, and the 250,000-gallon is 48 feet tall. And I was wondering if that's what you're proposing, because I think you may need a variance for that. And I was curious to see if you would be applying for that.
(B-145, Hearing No. 3 (Mr. Larca))

Response No. 3-21

The proposed water storage tank will be no higher than 40 feet tall, which is zoning compliant and will not require an area variance. The proposed water storage tank would be approximately 42 feet in diameter, with walls approximately 30.36 feet in height. With a 5 to 6 foot dome and 42 inch handrail on top, the total height would be approximately 40 feet. This is below the 45-foot maximum height permitted in the OP-3 district. Therefore, there is no need for a variance. As depicted on the Site Plans, the tank is to be located on the site approximately 100 feet to the west of the intersection of Fields Corner Road and Zimmer Road, between the access driveway and turnaround for Building B. The proposed color will be subject to Architectural Review Board (ARB) review and recommendation to the Town Board.

Comment No. 3-22

In summary, the current proposed Center is much too large. It should be scaled back to no more than 15% of land use. And much lower numbers of trucks should be allowed to use our roads.
(B-151, Miriam Yekutiel)

Response No. 3-22

The Preferred Alternative would have impervious surfaces comprising just 14.8% of the overall 328.1 acre site, down from 17.4% for the DEIS plan. Impervious surfaces include all buildings, roads and parking structures. The Town Code currently permits development of this site up to 55%. The Applicant submits that its proposed development is a reasonable, conservative use of the land.

As discussed in greater detail in the Traffic Section of this FEIS, while the conservative analyses in the DEIS assumed that there would be 510 truck trips per day (which equates to about 255 trucks entering/exiting the site each day), counts from similar uses in the area indicate that the project would generate a much lower number of truck trips. Based on the counts conducted at the Gap Distribution Center in Fishkill and Matrix Business Park in Newburgh, the Preferred Alternative Plan would generate 130 truck trips per day (or about 65 truck entering and exiting the site daily).

Comment No. 3-23

New York State requires all sex offenders to be 1,000 feet from any school. While the logistics center's property is just outside that limit and the logistics centers are not residential houses, how are we ensuring that the employees selected to drive the trucks and to work the facilities are not sex offenders? As soon to be mother, this terrifies me.
(B-156, Patricia Ann Yara)

Response No. 3-23

NYS law requires sex offenders to annually report (i.e. register) where they live, and provide updates within 10 days of moving. Furthermore, Level 2 and 3 sex offenders must provide (i.e. register) the address of their employer. The project site is located

approximately 2,000 feet from the closest school, which is George Fischer Middle School.

BARRETT ROAD RIGHT-OF-WAY

COMMERCIAL CAMPUS
AT FIELDS CORNER

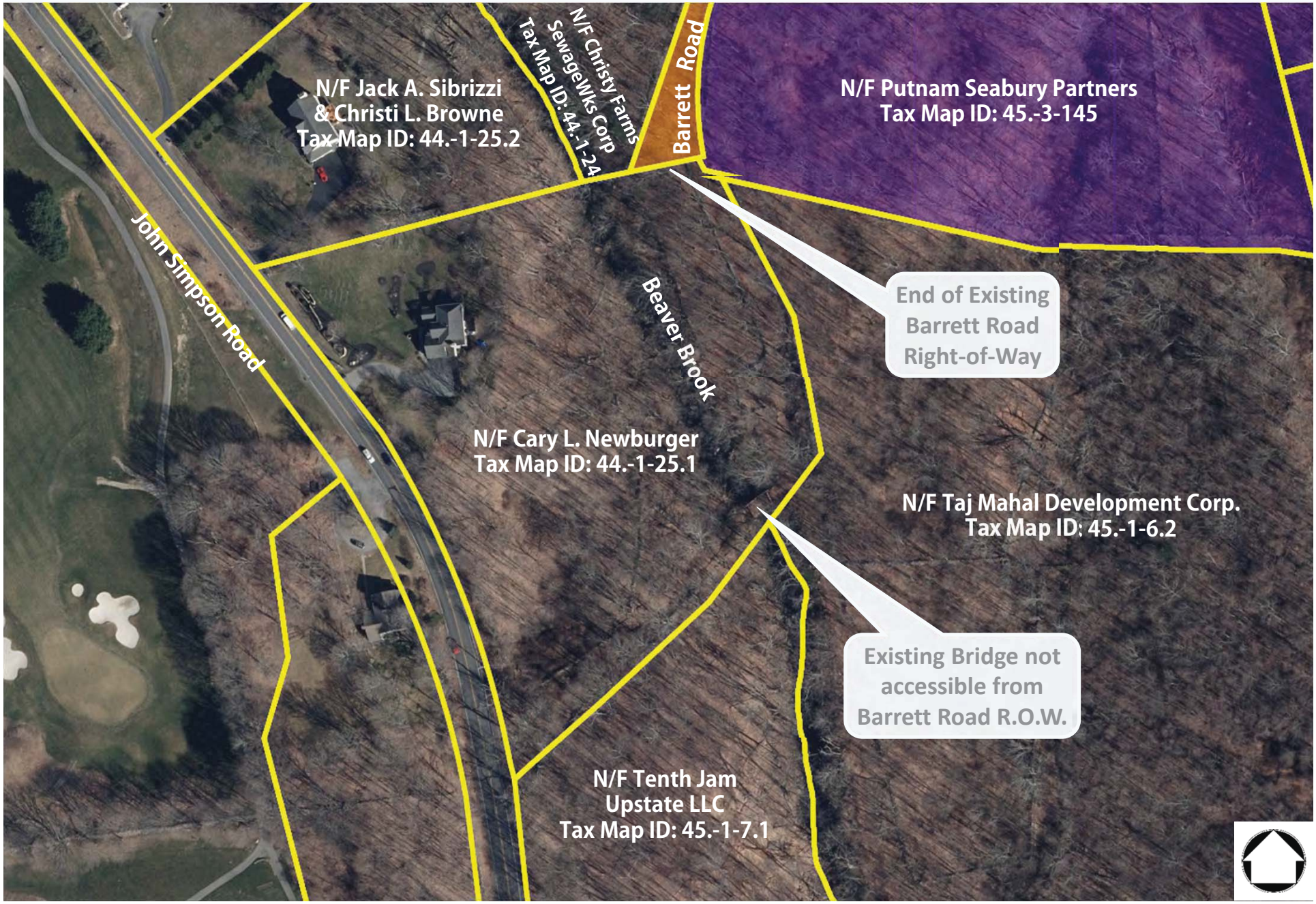

FIGURE: III. 3 - 1

III.4 Traffic

Introduction

The Preferred Alternative would result in a significant reduction in the traffic projected to be generated by the project. The primary reason for the reduction in trips is less development. Mitigation measures for the project, including the widening of Route 312 to four lanes between Pugsley Road and the I-84 Eastbound intersection, as well as NYSDOT improvements currently under construction, would generally improve operations along Route 312 as compared to future No-Build conditions without the improvements.

Substantial Reduction in Project Traffic

The Preferred Alternative's traffic reduction is apparent under any of the analytic paradigms used, including (i) the 9th Edition of the Institute of Traffic Engineers (ITE) data, published in 2012, which was the basis of the DEIS traffic analysis, (ii) a very conservative Sensitivity Analysis scenario (whereby the project peak hour traffic volumes are analyzed as if they would coincide with the local peak hours, even though ITE and local data confirm that warehouse type uses typically generate peak traffic volumes during hours which are different than (out of phase with) the peak hours of the adjacent street traffic), (iii) the current 10th Edition of ITE data published in 2017, which provides data indicating substantially lower traffic volumes would be generate by the warehouse use (ITE Code 150) than was analyzed in the DEIS, and (iv) when analyzed as requested, local trip generation from the GAP facility in Fishkill and the Matrix Facility in Newburgh as shown on Table 4-1S indicate that the reduced project could generate substantially (up to 85%) less traffic than was set forth in the DEIS.

As shown on Table 4-1S, there are two types of peak hour traffic analyzed: traffic generated by the proposed project during the peak traffic hours, "Rush Hours" along Route 312 (7:30-8:30 AM and 5:00-6:00 PM) and the peak traffic generated by the

project which reflects the peak traffic volumes at shift change, typically at 7:00 AM and 3:00 PM. Background traffic is greatest at Rush Hour and project trip generation is greatest at Shift Change. For each timeframe, the traffic generated by the Preferred Alternative is less than the traffic generated by the larger project considered in the DEIS.

Again, several traffic generation projections were evaluated to assess the Preferred Alternative in this FEIS: These include the 9th Edition of the Institute of Traffic Engineers (ITE) data, the 10th Edition of the ITE data and actual traffic counts at GAP (Fishkill) and Matrix (Matrix) distribution facilities. The DEIS analysis used only the 9th Edition ITE data. ITE uses a national sampling of operating facilities to prepare their projections which represent a blended average of anticipated trip generation. The 9th Edition prepared in 2012 is more conservative (projects a greater number of trips) and approximately 1.7 times greater trips than the 10th Edition prepared in 2017, which is based on more extensive data. Table 4-1S shows the traffic impacts of these projections on Route 312 during current Rush Hour and Shift Change.
The results of the analysis summarized in Table 4-1S indicate:

- Shift timing is an important factor when evaluating "Rush Hour" traffic impacts. A roadway can process more vehicles if the timing of the trips is spread over a longer period of time.
- ITE indicates that trips on average per square foot of facility area are declining as evidenced by comparing Editions 9 and 10. Actual traffic counts of local facilities suggest even lower traffic counts.
- Industry evolution is having an impact of traffic counts. Automated and high-cube facilities generate fewer trips than conventional warehouses.

By way of example, during the peak weekday PM hour (Rush Hour) along Route 312, the trips generated by the Preferred Alternative project based on more recent ITE data would be reduced by approximately 183 trips, from 360 to 177, as compared to the project evaluated in the DEIS. During the weekday peak AM hour of the project generation (i.e., Shift Change), which would occur prior to the peak AM Rush Hour

along Route 312, the Preferred Alternative generated volumes are projected using 10th Edition ITE data to reduce by 313 trips, from 472 to 159, as compared to the DEIS project.

The 10th Edition of ITE data includes a related warehouse use, high-cube warehouse (ITE Code 154), which reflects even lower trip generation, due in part to automation and other changes to the operations of the facilities. By way of example, during the peak weekday PM Rush Hour along Route 312, the Preferred Alternative generated trips, based on the high-cube warehouse data, would be 267 trips fewer, from 360 to 93, than the DEIS project. During the weekday peak AM hour of the project generation (i.e., Shift Change), which, again, would occur prior to the peak AM hour along Route 312, the project generated volumes can be projected to be reduced by 360 trips, from 472 to 112.

Moreover, when analyzed as requested by the Town, local trip generation from the GAP facility in Fishkill and the Matrix Facility in Newburgh as shown on Table 4-1S indicate that the Preferred Alternative would generate substantially (up to 85%) less traffic than was set forth in the DEIS for the original project, During the peak weekday PM Rush Hour along Route 312, trips could be reduced by 336 trips, from 360 to 24. During the weekday peak AM hour of the project generation (i.e., Shift Change), which would occur prior to the peak AM Rush Hour along Route 312, the project generated volumes could be projected to be reduced by 355 trips, from 472 to 117.

Impacts on specific intersections can be calculated using the trip generation analysis. Table 4-2S shows the relationship between trips generated by the Preferred Alternative on seven intersections along Route 312. The table analyzes impacts at Rush Hour (Route 312 Peak AM and Peak PM) based on the project trips anticipated during the Rush Hour, as well as a Sensitivity Analysis required by the Town, which superimposes Shift Change project trips onto the Rush Hour traffic along Route 312. Additionally, the Table analyzes trip projections based on the 9th and 10thEditions, the GAP/Matrix counts and ITE 10th Edition trips generated by High-Cube Warehouses. The High-Cube

category is included since the proposed buildings meet the criteria of High-Cube facilities. These are the emerging automated facilities. The analysis excluded the high intensity, cross/dock UPS/FED EX type facilities (i.e., facilities with docks on opposite sides of the building to facilitate rapid package transfer) since the proposed buildings, which would have docks located on only one long side of each building, are not designed for cross/dock operations. The far right hand column of the Table shows impacts based on the average trips generated by all categories studied.

Table 4-2S demonstrates that the project generated traffic is disseminated at the area intersections and is not expected to comprise a substantial percentage of the volumes without the project. The results of this analysis show that the proposed project generates under five percent (5%) of the traffic at all intersections during the Rush Hour based on the averaging of all counts analyzed impacts, with the exception of Pugsley Road and Route 312. The percentage of project generated traffic is less at the other signalized intersections along Route 312, such as the Route 6 intersection, which is expected to have an increase of only 1.8% or less based on the average of the four project generated traffic scenarios. Again, the Shift Change would occur at times when the traffic volume is lower.

Truck traffic is a part of the total traffic counts provided for the proposed project. Using recent ITE data, the DEIS project could have generated approximately 510 trucks trips (255 trucks entering and exiting) per weekday business day. ITE data indicates that the Preferred Alternative analyzed in this FEIS would result in a 17% reduction of traffic to 424 truck trips (212 trucks entering and exiting) per weekday business day. Most truck trips would be arriving from and departing to I-84. Inbound trucks would access the project from I-84 at Route 312 and would make the right turn onto Pugsley Road along a new Route 312 lane proposed by the Applicant. Trucks leaving the facility would access Route 312 via a traffic signal and proceed west on Route 312 to I-84 along the new 4 lane section of Route 312 with the proposed improvements. According to industry standards, the majority of truck trips are scheduled throughout the day and are not made during the peak Rush Hours along Route 312 or the facility's Shift Change.

The Town asked the applicant to research truck trip generation at the GAP facility in Fishkill and the Applicant also researched the Matrix Facility in Newburgh to assess the local truck trip generation projections. Using an average of the trips generated at these facilities and adjusting them to the comparable project size of the subject application, the experience at these facilities indicates that the Preferred Alternative would actually be projected to only generate 130 truck trips per day (or about 65 trucks entering/exiting each day), or less than a third of the trips projected based on the DEIS rates. Additionally, based on the local counts, approximately 60% of the trucks would be tractor trailers and 40% would be trailer cab or straight box trucks.

Mitigations Measures Would Improve Operations Along Route 312

Mitigation measures for the project, including the widening of Route 312 to four lanes between Pugsley Road and the I-84 Eastbound intersection, as well as NYSDOT improvements currently under construction, would generally improve operations along Route 312 as compared to future No-Build conditions without the improvements.

The applicant has proposed four primary improvements and mitigating measures to offset the impact of the proposed facility:

1) Widening Route 312: The first mitigation measure is to widen Route 312 from Pugsley Road to I-84 to provide four travel lanes. This improvement will add needed capacity to relieve current congestion and to facilitate movements for the facility to I-84.

2) Improved Traffic Signalization: The second improvement, together with the NYSDOT improvements currently under construction, is improved traffic signalization that responds better to existing conditions and facilitates better traffic movements.

3) Additional Turn Lanes: Third, the intersection of Pugsley Road and Route 312 would be substantially improved with additional turn lanes on Route 312 and Pugsley Road, as well as an additional thru lane along Route 312 eastbound, and possibly Route 312 westbound (subject to the NYSDOT preference of improvement alternatives). The proposed traffic signal at the intersection will typically 'rest' with the green ball indications permitting the Route 312 traffic to travel through the intersection without stopping, and will change to a red indication along Route 312 when there is traffic waiting to access from Pugsley Road.

4) In conjunction with the areas within the OP-3 Zone that the Applicant had previously signaled its willingness to subject to non-development restrictions, approximately 172 acres, or more than half of the Applicant's property, would be subject to non-development restrictions.

These mitigation measures will add needed capacity and traffic management to better serve traffic conditions and integrate new traffic generated by the proposed facility into the traffic flow as seamlessly as possible while limiting further traffic generation by the property.

To prevent truck traffic from traveling to or leaving the site through Patterson, truck access to Fields Corner Road would be restricted. The Applicant would abide by the Town's preferred means for implementing this restriction. As currently preferred by the Town, the site plans propose two height restriction bars and two turnaround areas along Fields Corner Road within the Town of Southeast. Signs would be installed to prohibit commercial vehicles and enforced with a camera to record violations and violators.

While both a traffic signal with roadway improvements and a roundabout were considered at the intersection of Route 312 and Pugsley Road, NYSDOT has determined that the desired improvements are a demand responsive traffic signal, with vehicle detection to provide additional green time for certain movements when the

approaching volume necessitates the signal green time extension, together with extensive roadway improvements. The proposed traffic signal would be coordinated with the three signalized intersections to the east along Route 312. The demand responsive traffic signal will operate with the traffic signal being green for the Route 312 through traffic, except when green time is actuated for the turning movements. In addition to the previously proposed left turn lanes along Route 312, a second through lane is proposed along Route 312 eastbound. Either a right turn lane (Alternative A) or second through lane (Alternative B) would be provided along Route 312 westbound, subject to NYSDOT selecting the preferred alternative. The Pugsley Road improvements with the signalized T intersection are proposed to either be expanded from the previously proposed two lanes to provide three approach lanes, with dual left turns and a single right turn lane with the Route 312 westbound right turn lane as Alternative A, or improved to a two lane approach with dual left turns and shared right turns as Alternative B, subject to NYSDOT selecting the preferred alternative as noted above. The project traffic impacts at the intersection would be mitigated under both improvement alternatives. Queuing along the Route 312 westbound thru movement at Pugsley Road is reduced under the Alternative B improvement, which provides two thru lanes with shared right turns, as compared to Alternative A which provides separate thru and right turn lanes along the westbound approach.

NYSDOT is currently constructing improvements to the three signalized intersections of Route 312 at the I-84 eastbound ramps/Independent Way, the I-84 westbound ramps and International Boulevard, which would coordinate the traffic signals to improve operating conditions in the area. NYSDOT also intends to provide a Route 312 westbound left turn lane into the park & ride lot, and partially extend the Route 312 eastbound two lane section to the vicinity of the Caremount driveway. These measures would also improve operating conditions in the area.

At the Route 312/Route 6 intersection, delays currently exist and are projected without the project for left turns onto Route 312 from Route 6 and right turns onto Route 6 from Route 312. Route 6 and Route 312 is scheduled to be improved with the

Crossroads 312 project to provide dual left turns with a shared thru movement along Route 6 eastbound. The Applicant proposes traffic signal modifications at the intersection to supplement the Crossroads improvement.

The Applicant proposes several improvements to better traffic operating conditions. The project generated traffic would often occur outside the peak hours of the area roadways due to the timing of shifts for warehouse/distribution center type land uses. For example, the peak hours of the project generated traffic are expected to be 6:30–7:30 AM and 2:30–3:30 PM, while the peak hours of the adjacent roadway traffic are 7:30-8:30 AM and 5:00-6:00 PM.

The Applicant met with NYSDOT and the Town on five occasions, most recently 1/7/2020. Minutes of the 1/24/2019 and 1/7/2020 meetings are included in the Traffic Appendix. Pursuant to these discussions, the Applicant would provide a traffic signal at the Route 312/Pugsley Road intersection. While the configuration of the signal would be decided by NYSDOT, the Applicant analyzed various alternatives and has engineered solutions to the alternatives that would operate at desirable levels of service (see Figures A-1, CHP-1, and CHP-2 at the end of this section). Additionally, the Applicant proposes to add lanes to Route 312 from Pugsley Road to I-84 that would provide four full lanes, thus doubling the capacity along a portion of the roadway. Traffic exiting Pugsley Road onto Route 312 would trigger a light change so when there is no traffic along Pugsley Road, the through traffic would have a continuous green light.

The Proposed Project would be accessed primarily from the I-84/Route 312 interchange. Nearly all truck movements would access the project from I-84 via Route 312 over the quarter-mile, four lane section that would be constructed with phase one of the development. Most workers would also use the same I-84 access as the primary access to the property. Workers may take advantage of the nearby Southeast MetroNorth Station and a jitney may be provided by the Proposed Project. Worker shifts are expected to be before peak commuting times in the morning and afternoon, lessening the impact of the Proposed Project on peak hour traffic volumes.

Traffic signals along the Route 312 corridor would be coordinated and adjusted by NYSDOT in conjunction with an unrelated NYSDOT improvement project currently under construction, including a new replacement signal at the Route 312/I-84 Eastbound Ramp/Independent Way intersection. The improvements, including vehicular detection to increase green time for certain traffic signal phases/approaches when additional vehicles are present would optimize the signal timing to better align with demand so that traffic would flow more comfortably through the intersections. The signal coordination would improve the flow of traffic along Route 312 by platooning traffic volumes (i.e., processing vehicles as groups to assist in traffic flow) and overall reduce the number of stops along the corridor. For example, vehicles traveling along avenues within New York City can oftentimes travel through ten or more intersections without stopping since the traffic signals controlling the intersections are coordinated, even though the New York City traffic signals are typically pretimed and not actuated.

The current intersection of Route 6 and Route 312 is scheduled to be improved with the Crossroads 312 project to provide dual left turns with a shared thru movement along Route 6 eastbound. Peak hour delays currently experienced at this intersection are existing movements to and from the Carmel area. The Proposed Project would have a limited impact on traffic operations at this location.

As suggested by AKRF in their 12/9/2019 memorandum, the Applicant met with the Town representatives and NYSDOT on 1/7/2020 to review the Preferred Alternative and the associated mitigation improvements.

The Preferred Alternative would result in impacts based on Level-of Service (LOS)/Delay and/or Queue for individual vehicle movements/lane groups at the following intersections. The impact comparison is very conservative since the site generated volumes conservatively do not reflect the net increase above the traffic volumes associated with the previously approved 143 residential units and planned commercial development.

- Route 6 and Route 312 (AM and PM peak hours)

- Route 312 and Prospect Hill Road (AM and PM peak hours)
- Route 312 and Independent Way/I-84 Eastbound Ramps (AM, PM, and Saturday peak hours)

To address these impacts, the Applicant met with the Town representatives and NYSDOT on 1/7/2020 to review the Preferred Alternative and develop appropriate mitigation for these locations. The Project would only on average contribute 1.3 percent of the weekday peak hour volumes at these intersections (shown on Table 4-2S in the FEIS), and the Project's projected peak hour traffic volumes on Prospect Hill Road turning onto Route 312 are not expected to be significant enough to impact whether or not the intersection volumes satisfy the warrant analysis. As such, the measures discussed below constitute more than adequate mitigation measures for these intersections, and, in fact, constitute a major step toward addressing pre-existing issues along Route 312. The following mitigation measures were recommended and agreed to by the Applicant:

- A traffic signal Warrant Analysis of the Route 312/Prospect Hill Road intersection shall be prepared within three months of full occupancy. The analysis shall consider the variety of warrants available and justify the signal using at least two warrants per NYSDOT direction.
- If warranted and approved by NYSDOT, the signal would be designed, installed and coordinated with the four other existing and proposed signals along Route 312 to Independent Way.
- A corridor study shall be prepared within six months of full occupancy along Route 312 from Prospect Hill Road to International Boulevard to determine the need and recommendations for revised Time-of-Day traffic signal plans. The corridor study shall include the weekday AM, PM and Saturday peak hours using SimTraffic software per NYSDOT guidance.
- If the traffic signal is not approved by NYSDOT, other traffic signal technologies could be implemented as may be identified in the corridor study.

- The Applicant shall escrow $150,000 as a cap on its "fair share" contribution to the design and installation of a traffic signal at the intersection of Route 312/Prospect Hill Road, or other signal technologies identified in the corridor study. The Applicant and its consultants shall be responsible for preparing the Warrant Analysis within three months of full occupancy of the project, and costs incurred by the Town to review the Warrant Analysis shall be deducted from the $150,000 escrow.

Pugsley Road would be improved by the Applicant from Route 312 to Barrett Road, including widening and grade adjustments to provide two 12 foot wide travel lanes designed to accommodate the Proposed Project generated traffic. North of Barrett Road, Fields Corner Road would not be improved, except for an alignment modification. As currently is the case, Fields Corner Road would remain closed and not maintained to the north of the project during winter months. To prevent truck traffic from getting to or leaving the site through Patterson, truck access to Fields Corner Road to/from Patterson would be restricted. The Applicant would abide by whatever means the Town prefers to implement this restriction. The Town of Southeast has indicated the current position of the Town is that height clearance bars and gates would be installed at two locations, and truck turnaround areas would be provided. Signs would be installed prohibiting commercial trucks and advising of the progressive fines. Video monitoring would be recorded and provided to the Town and/or the Putnam County Sheriff's office if requested. The gates would remain open, unless traffic levels on Fields Corner Road exceed those predicted in this FEIS. Emergency vehicles would have access through the gates as may be needed if the gates are closed,

The traffic projections are based on national surveys of similar buildings and cover a wide range of uses. At the request of the Planning Board, the traffic analyses consider a scenario with the traffic associated with the first worker shift superimposed onto peak AM and PM roadway hours, even though peak Project generated traffic is likely to occur before the peak roadway hours. Table IIIC-1 provides a comparison of the traffic scenarios analyzed. Based on recent traffic data collected for the Institute of

Transportation Engineers (ITE) Trip Generation, 10th Edition, dated 2017, the anticipated project generated traffic is expected to be considerably less than the earlier 9th Edition version of ITE, dated 2012, which was based on older land use surveys. The Applicant was required to utilize the more conservative and older 9th Edition trip generation rates and has also provided an analysis using the 10th Edition trip generation rates for comparison purposes. To ensure that the analyses considered the trip generation of similar projects in the area, the Applicant counted 24 hour traffic volumes at the Gap facility in Fishkill and the Matrix facility in Newburgh and found that peak hour total traffic volumes are less than the trip generation per s.f. presented in the DEIS. Truck traffic at these facilities was approximately one third of the projected truck volume per s.f. presented in the DEIS. At both of these facilities, truck traffic is concentrated to the first shift, tapering into the second shift. Both facilities operate 24/7. The likely tenant mix of the Proposed Project would be regional businesses serving the tri-state area with conventional warehouse/distribution, or with an automated hi-bay logistics configuration. As a result, the projected traffic volumes based on ITE appear to be conservative, and provide adequate volume projections for a wide range of uses.

The DEIS included an ancillary retail component, comprising up to two percent of the building s.f. In response to traffic concerns expressed by the Town, the Applicant is no longer proposing the ancillary retail component as part of the Proposed Project, which also contributes to a 17% or more reduction in the projected project generated traffic.

At the I-84 bridge, it is projected that there would be more than sufficient capacity to accommodate the projected volumes, including traffic volumes from the Proposed Project and the Crossroads 312 project.

The Applicant is willing to donate nearly 4 acres to the County for use by Tilly Foster. If desired, the County could provide a second access to the Tilly Foster property and utilize the proposed traffic signal at the Route 312/Pugsley Road intersection.

A series of land exchanges are proposed to enable the modification of the right-of-way necessary for improvements to Pugsley Road and Route 312 (Drawing PE-1 in Appendix Volume 4.A, Part M). The Town would abandon the Barrett Road right-of-way to the Applicant, as discussed in Response 4-140, to enable the project to be moved 600 feet farther away from Twin Brook Manor than the DEIS Plan.

The Town will require a Traffic Monitoring Plan (TMP) to be completed by the Applicant and submitted to the Town Planning Board within 6 months of the occupancy of the first of the two buildings completed, and within 6 months of the full development and occupancy of the Proposed Project. The final details of the TMP will be included in the Statement of Findings. The Applicant will work with the Town to correct operations if necessary in the unanticipated event that actual operations discussed below differ from the Proposed Project Conditions of Approval specified in the Site Plan Approval Resolution. The currently anticipated TMP will consist of the items listed below. Items 1-5 would be included in the Applicant's tenant leases.

1. Confirm there are no truck deliveries between 11:00 PM and 6:00 AM.

2. Confirm that trucks parking on the site are only within the designated truck loading and trailer parking spaces shown on the project site plan approval drawings.

3. Confirm there are no manned overnight layover of trucks.
4. Confirm trucks are not idling on-site in excess of State guidelines and/or local regulations.

5. Fields Corner Road would remain a seasonal road that is closed north of the current Barrett Road intersection during the winter. The Applicant shall install height clearance bars and gates. The Applicant shall install video cameras to monitor truck traffic along Fields Corner Road, as well as signs indicating the prohibition of commercial trucks and the progressive fines currently

established by the Town for restricted road use violations. The Applicant would record the video information on a 24 hour loop and the video monitoring would be provided to the Town and/or the Putnam County Sheriff's Department if requested to determine whether tickets should be issued. Should it be found that the traffic levels on Fields Corner Road exceed those predicted under the traffic analysis in the FEIS, the gate shall be closed, except for use by emergency vehicles.

6. Confirm project generated traffic volumes do not exceed the volumes analyzed in the FEIS as the Sensitivity Analysis scenario during the Peak Weekday AM (7:30-8:30 AM) and PM (5:00-6:00 PM) Hours along the area roadways (Route 312) and the Peak Saturday Midday Hour (12:15-1:15 PM). If the project generated volumes exceed the Sensitivity Analysis volumes during the peak roadway hours, the Applicant will coordinate with its tenants to adjust work shift hours. The volume thresholds are 364 trips on a weekday from 7:30-8:30 AM, 426 trips on a weekday from 5:00-6:00 PM and 121 trips on Saturday from 12:15-1:15 PM.

7. Record travel speeds along Pugsley Road for 24 hours with automatic traffic recorders (ATR) to determine the average and 85th percentile travel speed. Based on the results of the study, the roadway posted speed limit could potentially be reduced to 25 MPH if determined to be appropriate by the Town and/or the Applicant could be required to install radar speed signs on Pugsley Road.

8. Provide the number of visitors and employees that utilize Metro-North to the project site so that the need for a jitney can be assessed by the project and/or tenants.

9. The operator of the facility shall have an agreement in place with all the trucking companies that requires the use of approved routes to and from the

facility. Trucks shall not use local roads, and shall face fines or suspension of business with the facility if found not in compliance.

Comment No. 4-1

AKRF provided a Traffic Impact Study (TIS) review scope to the Town of Southeast on June 20, 2018 (see Attachment A). Listed below are the items presented in the TIS review scope (shown by bullet point) followed by AKRF's assessments/responses based on review of the TIS.

Conduct field visits during the peak hours analyzed in the TIS to observe traffic conditions and identify locations that may require improvements/mitigation measures as part of the proposed project.

- *Field observations of traffic conditions were conducted in July, 2018. The observed traffic conditions were generally consistent with the information presented in the TIS. Additional follow-up observations of traffic conditions will be conducted in the fall of 2018.*

(B-1, AKRF)

Response No. 4-1

AKRF conducted additional traffic counts in September 2018. In general, the AKRF counts were similar to the 2017 existing volumes included in the DEIS. For any traffic movement that the AKRF counts were higher by more than a few vehicles compared to the DEIS volumes, the AKRF counts and DEIS volumes were averaged, and the DEIS volumes were increased at the other intersections in the study area in order to conservatively balance the volumes between intersections. The Applicant conducted additional counts at the Route 312/Prospect Hill Road intersection subsequent to the reconstruction of the Prospect Hill Road Bridge. The recent counts indicate that the actual diverted/rerouted traffic volumes associated with the bridge reopening are substantially less than the diverted volumes projected in the DEIS based on volumes

prior to the closing of the bridge. The Route 312 through volumes were also substantially below the Route 312 through volumes conservatively projected in the DEIS and this FEIS.

Comment No. 4-2

Perform spot traffic counts to confirm the accuracy of the traffic volumes presented in the TIS.

- *Spot traffic counts were conducted at the intersection of NY 312 & the I-84 Eastbound Ramps/Independent Way Intersection during the three peak periods (AM, PM, Saturday) examined in the TIS. The traffic volumes presented in the TIS were higher than the spot counts for all three peak periods with the exception of the westbound approach volumes (225 versus 240 vehicles for the left turn movement, 517 versus 575 vehicles for the through movement, and 85 versus 93 vehicles for the right turn movement) during the AM peak hour. Additional follow-up spot counts will be conducted this intersection, along with the NY 312 and Pugsley Road intersection, in the fall of 2018.*

(B-1, AKRF)

Response No. 4-2

At the many locations where the DEIS existing traffic volumes were higher than the volumes counted by AKRF for a specific traffic movement, the Applicant continued to utilize the higher DEIS traffic volumes in the FEIS, rather than averaging the two counts. Thus, the FEIS base traffic count volumes are conservative. AKRF volumes that were higher than in the DEIS were adjusted as described in Response 4-1.

Comment No. 4-3

Review Existing Conditions Level-of-Service (LOS), vehicular delays, and queuing results presented in the TIS.

- *Existing Conditions LOS and vehicular delays have been presented in the TIS in tabular form and summarized in the text; however, queueing results have not been presented in the TIS. Queue results should be presented in the text and in tabular form. Locations where queues exceed storage capacity, particularly for turning lanes, should be noted.*

(B-1, AKRF)

Response No. 4-3

Queue analyses have been prepared and are summarized on Tables 4-14 through 4-16A. At signalized intersections, the queues are shown for the average queues and 95th percentile queues and for unsignalized intersections, the 95th percentile queues are provided. The queues reflect the peak 15 minutes within the peak hours and are shown relative to the available storage lengths. Locations where queuing exceeds the storage length has been highlighted as suggested and the tables provide a comparison summary of queuing conditions between the different improvement scenarios. For example, the queuing associated with the Alternative A and Alternative B improvements at Route 312/Pugsley Road result in varying queue lengths, which are shown on the tables. The proposed four lane section along Route 312 between Pugsley Road and the I/84 Eastbound Ramps/Independent Way intersection would significantly improve the available queuing between those intersections. Queuing along the Route 312 westbound thru movement at Pugsley Road is reduced under the Alternative B improvement, which provides two thru lanes with shared right turns, as compared to Alternative A which provides separate thru and right turn lanes along the westbound approach. Lane group approaches to intersections which exceed the available storage

under No Build conditions are not significantly impacted under Build conditions. The summary tables 4-14A through 4-16A show locations at which the queuing with the Proposed Project generated volumes are greater than the criteria, as well as locations at which queuing would be reduced with the Proposed Project recommended improvements. Additional information relating to queuing impacts is included in Response 4-5.

Comment No. 4-4

Review "No Build" project trip generation and vehicular assignments.

- *The applicant should provide in the Appendix relevant pages from No Build project studies, where available, which show the No Build project trip generation and/or vehicular assignments (e.g., original vehicle assignment figures from No Build project traffic studies), especially for the Crossroads 312 project.*

(B-1, AKRF)

Response No. 4-4

The information pertaining to projected volumes from other developments, included updated projections based on more current ITE data, is included in Appendix 4. The previously approved 143 unit residential development within the subject property was included in the No Build volumes in the DEIS, and has been removed from the FEIS No Build scenarios at the request of NYSDOT, as referenced in the NYSDOT review comments dated 7/3/2018 included in Appendix B-1A of this FEIS. Since the net impact of the currently Proposed Project compared to the previously approved residential component of the approved residential/planned commercial development is no longer being considered, the currently assessed traffic impact of the project included in this FEIS is conservative.

Comment No. 4-5

Review "No Build" LOS, vehicular delays, and queuing results presented in the TIS.

- *No Build Conditions LOS and vehicular delays have been presented in the TIS in tabular form and generally summarized in the text. However, it is recommended that all lane groups/movements that would operate under LOS E or F be clearly listed in the text and/or highlighted in the LOS tables for easy identification.*

- *In Table III.B-4, the LOS for the southbound left/through movement at the U.S. 6 & NY 312 intersection (Int. la) is incorrectly shown as LOS F. The corresponding Synchro file shows LOS E. All delays, v/c ratios, and LOS should be reviewed to ensure consistency with those presented in the Synchro analyses.*

- *In Table III.B-5, the LOS for the eastbound left-turn movement at the U.S. 6 & NY 312 intersection (Int. la) is incorrectly shown as LOS F. The corresponding Synchro file shows LOS E. All delays, v/c ratios, and LOS should be reviewed to ensure consistency with those presented in the Synchro analyses.*

- *Queueing results for No Build conditions have not been presented in the TIS. Queue results should be presented in the text and in tabular form. Locations where queues exceed storage capacity, particularly for turning lanes, should be noted.*

(B-1, AKRF)

Response No. 4-5

As shown on Tables 4-10A and 4-10B, the Preferred Alternative will have a net negative impact at only one percent of the various lane groups, approaches and overall intersections that have been evaluated in the FEIS based on the conservative analyses required by the Town. Thus, a net of nine-nine percent (99%) of the lane groups,

approaches and overall intersections would not be significantly adversely impacted or would be mitigated even under the conservative analysis required by the Town. In addition, the Applicant has proposed substantial roadway improvements that are not specifically reflected on the intersection operations (LOS) tables and the queue tables, including widening Route 312 from two lanes to a minimum of four lanes between Pugsley Road and the I-84 eastbound ramps/Independent Way, as well as reconstructing and improving nearly a mile of Pugsley Road, a Town road, from Route 312 to Barrett Road. Thus, the Applicant believes that the previously proposed improvements sufficiently address the overall net Project impacts.

As suggested by AKRF in the 12/9/2019 memorandum, the Applicant met with the Town representatives and NYSDOT on 1/7/2020 to review the Preferred Alternative and the associated mitigation improvements. As a result of the meeting, while peak hour delays would be experienced with or without the Project, the Applicant shall escrow $150,000 as a cap on its "fair share" contribution to the design and installation of a traffic signal at the intersection of Route 312/Prospect Hill Road, or other signal technologies identified in the corridor study. The Applicant and its consultants shall be responsible for preparing the Warrant Analysis within three months of full occupancy of the project, and costs incurred by the Town to review the Warrant Analysis shall be deducted from the $150,000 escrow.

The requested highlighting of intersection operations and queuing is shown on Tables 4-11 through 4-13A included in Appendix 4. Additional information relating to specific intersections is provided in subsequent responses. At many locations, there are no changes to levels of service as a result of the project, yet the highlighting is provided at the request of the Town Planning Consultant when the level of service is E or F under Existing, No Build or Build conditions While a relatively small number of lane group levels of service change between the No Build and Build conditions with the project, the overall intersection levels of service, which reflect a weighted average balancing of the delays for the various lane groups, are not changed as a result of the project.

The additional traffic projected to be generated by the Proposed Project, the Preferred Alternative in this FEIS and the reductions compared to the DEIS analysis are shown on Table 4-1S. Table 4-2S shows the traffic volumes without the project as well as the project generated traffic at the analyzed intersections and indicates the Proposed Project volumes typically represent a low percentage of the overall volumes at the intersections. For example, at the Route 312 & I-84 Eastbound Ramps/Independent Way intersection, the conservatively analyzed volumes based on the 9th Edition ITE data show a 9.3% potential increase with the 'worst case' Sensitivity Analysis volumes which conservatively considers an overlap of peak project generated volumes and Route 312 peak hour volumes during the weekday peak hours along Route 312. The project could be expected to generate less than a 4% increase in volumes at the intersection during the peak weekday roadway hours along Route 312 and less than a 2% increase during the peak Saturday midday hour based on the average volumes generated under the four projection scenarios. The percentage of project generated traffic is less at the other signalized intersections along Route 312, such as the Route 6 intersection which is expected to have an increase of only 1.8% or less based on the average of the four project generated traffic scenarios.

Summary tables 4-11A through 4-16A of the intersection operations and queuing locations are provided to show specific locations at which the projected operations and queuing associated with the Proposed Project generated volumes are greater than the criteria, as well as locations at which delays and queuing would be reduced with the Proposed Project recommended improvements. The lane groups that are changed per the Town criteria are shown in yellow, the locations that improve with the proposed improvements by the Applicant are shown in green and the remaining lane groups which do not change per the Town criteria and are the vast majority are shown in blue. The beneficial and negative impact changes to the levels of service (LOS) and queuing for impacted lane groups at each intersection as well as a description of the improvements proposed by the Applicant are summarized below.

A. PROPOSED IMPROVEMENTS BY THE APPLICANT

Intersection 2: NY 312 & Prospect Hill Road

- A traffic signal Warrant Analysis of the Route 312/Prospect Hill Road intersection shall be prepared within three months of full occupancy. The analysis shall consider the variety of warrants available and justify the signal using at least two warrants per NYSDOT direction. The Town shall hold $15,000 in escrow to cover the cost of the warrant analysis.
- A corridor study shall be prepared within six months of full occupancy along Route 312 from Prospect Hill Road to International Boulevard to determine the need and recommendations for revised Time-of-Day traffic signal plans. The corridor study shall include the weekday AM, PM and Saturday peak hours using SimTraffic software per NYSDOT guidance. The Town shall hold $30,000 in escrow to cover the cost of the corridor study.
- The Applicant shall escrow $150,000 as a cap on its "fair share" contribution to the design and installation of a traffic signal at the intersection of Route 312/Prospect Hill Road, or other signal technologies identified in the corridor study if warranted and approved by NYSDOT. The signal would be coordinated with the four other existing and proposed signals along Route 312 to Independent Way.

Intersection 3: NY 312 & Pugsley Road

Traffic Signal Alternative A

• Install coordinated traffic signal

• Provide two thru eastbound lanes at intersection (extend to Intersection No. 4) and separate 100 foot long left turn lane

• Provide separate westbound thru and right turn lanes (extend two lanes to Intersection No. 4)

• Modify Pugsley Road Southbound to provide two left turn lanes and one right turn lane

Traffic Signal Alternative B

• Install coordinated traffic signal

• Provide two thru eastbound lanes at intersection (extend to Intersection No. 4) and separate 100 foot long left turn lane

• Provide two westbound lanes, a thru lane and a shared thru/right lane (extend two lanes to Intersection No. 4)

• Modify Pugsley Road Southbound to provide a left turn lane and a left/right turn lane

Intersection 4: NY 312 & Caremount Driveway

Provide two eastbound lanes and two westbound lanes between Pugsley Road and the I-84 Eastbound Ramps/Independent Way.

Intersection 5: NY 312 & I-84 Eastbound Ramps/Independent Way

With Crossroads 312 Development

• Signal Timing Modification (During the Peak Weekday AM Hour)

Without Crossroads 312 Development

• Modify Independent Way to two left turn lanes, one thru lane, and one right turn lane

• Signal Timing Modification (During the Peak Weekday AM & Peak Weekday PM Hours)

Intersection 6: NY 312 & I-84 Westbound Ramps

With Crossroads 312 Development

- Signal Timing Modification

B. BENIFICIAL IMPACTS/IMPROVED OPERATIONS (LOS) AND QUEUING WITH IMPROVEMENTS PROPOSED BY THE APPLICANT

2023 Build With Crossroads 312 Improvements:

Peak Weekday AM Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Alternative A
    - Southbound Approach: LOS F to D
  - Alternative B
    - Southbound Left/Right Turn Lane: LOS F to D
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Southbound Right Turn Lane: LOS E to D
  - Southbound Approach: LOS F to E

Peak Weekday PM Hour

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
  - Eastbound Left/Thru/Right Turn Lane: LOS F to E
  - Eastbound Approach: LOS F to E
  - Southbound Left/Thru Turn Lane: LOS F to D
  - Intersection Composite: LOS F to E
- Intersection 3: NY 312 & Pugsley Road:
  - Alternative B:
    - Southbound Left/Right Turn Lane: LOS F to D
- Intersection 4: NY 312 & Caremount Driveway:
  - Northbound Left/Right Turn Lane: LOS E to D

Peak Saturday Midday Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
  - Northbound Left/Thru/Right Turn Lane: LOS E to C
  - Southbound Left/Thru Turn Lane: LOS F to E

- Intersection 3: NY 312 & Pugsley Road:
    - Alternative A:
        - Southbound Approach: LOS F to D
    - Alternative B:
        - Southbound Left/Right Turn Lane: LOS F to D
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Westbound Left Turn Lane: LOS E to D
- Intersection 6: NY 312 & I-84 Westbound Ramp / Crossroads 312 Driveway:
    - Eastbound Right Turn Lane: LOS F to C
    - Eastbound Approach: LOS E to D

<u>Sensitivity Analysis 2023 Build With Crossroads 312 Improvements:</u>

Peak Weekday AM Hour:

- Intersection 3: NY 312 & Pugsley Road:
    - Alternative A
        - Southbound Approach: LOS F to D
    - Alternative B
        - Southbound Left/Right Turn Lane: LOS F to D
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Southbound Right Turn Lane: LOS E to D
    - Southbound Approach: LOS F to E

Peak Weekday PM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
    - Eastbound Left/Thru/Right Turn Lane: LOS F to E
    - Eastbound Approach: LOS F to E
    - Southbound Left/Thru Turn Lane: LOS F to D
    - Intersection Composite: LOS F to E
- Intersection 3: NY 312 & Pugsley Road:
    - Alternative B:
        - Southbound Left/Right Turn Lane: LOS F to D

<u>Anticipated Analysis 2023 Build with Crossroads 312 Improvements:</u>

Peak Weekday AM Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Alternative A
    - Southbound Approach: LOS F to D
  - Alternative B
    - Southbound Left/Right Turn Lane: LOS F to D
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Southbound Right Turn Lane: LOS E to D
  - Southbound Approach: LOS F to E

Peak Weekday PM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
  - Eastbound Left/Thru/Right Turn Lane: LOS F to E
  - Eastbound Approach: LOS F to E
  - Southbound Left/Thru Turn Lane: LOS F to D
  - Intersection Composite: LOS F to E
- Intersection 3: NY 312 & Pugsley Road:
  - Alternative B:
    - Southbound Left/Right Turn Lane: LOS F to D
- Intersection 4: NY 312 & Caremount Driveway:
  - Northbound Left/Right Turn Lane: LOS E to D

Peak Saturday Midday Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
  - Northbound Left/Thru/Right Turn Lane: LOS E to C
  - Southbound Left/Thru Turn Lane: LOS F to E
- Intersection 3: NY 312 & Pugsley Road:
  - Alternative A:
    - Southbound Approach: LOS F to D
  - Alternative B:
    - Southbound Left/Right Turn Lane: LOS F to D

- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Eastbound Left Turn Lane: LOS E to D
  - Westbound Left Turn Lane: LOS E to D
- Intersection 6: NY 312 & I-84 Westbound Ramp / Crossroads 312 Driveway:
  - Alternative A:
    - Eastbound Right Turn Lane: LOS F to C and 95th Percentile Queue Length

    from 325' to 293'
    - Eastbound Approach: LOS E to C

<u>2023 Build Alternative Without Crossroads 312 Traffic Improvements:</u>

Peak Weekday AM Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Alternative A
    - Southbound Approach: LOS F to E
  - Alternative B
    - Southbound Left/Right Turn Lane: LOS F to C

Peak Weekday PM Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Southbound Left/Right Turn Lane: LOS F to C
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Northbound Left Turn Lane: LOS E to D

Peak Saturday Midday Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Alternative A
    - Southbound Approach: LOS F to C
  - Alternative B
    - Southbound Left/Right Turn Lane: LOS F to C
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Westbound Left Turn Lane: LOS F to E

<u>Sensitivity Analysis 2023 Build Alternative Without Crossroads 312 Improvements:</u>

Peak Weekday AM Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Alternative A
    - Southbound Approach: LOS F to E
  - Alternative B
    - Southbound Left/Right Turn Lane: LOS F to D

Peak Weekday PM Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Southbound Left/Right Turn Lane: LOS F to D
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Northbound Left Turn Lane: LOS E to D

<u>Anticipated Analysis 2023 Build Alternative Without Crossroads 312 Improvements:</u>

Peak Weekday AM Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Alternative A
    - Southbound Approach: LOS F to E
  - Alternative B
    - Southbound Left/Right Turn Lane: LOS F to C

Peak Weekday PM Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Southbound Left/Right Turn Lane: LOS F to C
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Northbound Left Turn Lane: LOS E to D

Peak Saturday Midday Hour:

- Intersection 3: NY 312 & Pugsley Road:
  - Alternative A

        - Southbound Approach: LOS F to C
    - Alternative B
        - Southbound Left/Right Turn Lane: LOS F to C
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Westbound Left Turn Lane: LOS F to E

C. UNMITIGATED IMPACTS WITH IMPROVEMENTS PROPOSED BY APPLICANT

As shown on Tables 4-10A and 4-10B, the Preferred Alternative will have a net negative impact at only one percent of the various lane groups, approaches and overall intersections that have been evaluated in the FEIS based on the conservative analyses required by the Town. Thus, a net of nine-nine percent (99%) of the lane groups, approaches and overall intersections would not be significantly adversely impacted or would be mitigated even under the conservative analysis required by the Town. In addition, the Applicant has proposed substantial roadway improvements that are not specifically reflected on the intersection operations (LOS) tables and the queue tables, including widening Route 312 from two lanes to a minimum of four lanes between Pugsley Road and the I-84 eastbound ramps/Independent Way, as well as reconstructing and improving nearly a mile of Pugsley Road, a Town road, from Route 312 to Barrett Road. Thus, the Applicant believes that the previously proposed improvements sufficiently address the overall net Project impacts.

2023 Build With Crossroads 312 Impacts:

Peak Weekday AM Hour:

- Intersection 2: NY 312 & Prospect Hill Road:
    - Westbound Left/Right Turn Lane: Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Westbound Left Turn Lane: LOS D to E

Peak Weekday PM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:

    - Eastbound Left Turn Lane: 50th Percentile Queue Length from 329' to 453'
    - Westbound Thru Lane: LOS D to F
- Intersection 2: NY 312 & Prospect Hill Road:
    - Westbound Left/Right Turn Lane: Greater Than 10% Delay Increase
- Intersection 3: NY 312 & Pugsley Road:
    - Alternative A
        - Westbound Thru Lane: 95th Percentile Queue Length from 0' to 942'
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Alternative A
        - Eastbound Thru Lane: 50th Percentile Queue Length from 377' to 534'
    - Alternative B
        - Eastbound Left Turn Lane: LOS D to E

Peak Saturday Midday Hour:

- No Impacts

<u>Sensitivity Analysis 2023 Build With Crossroads 312 Impacts:</u>

Peak Weekday AM Hour:

- Intersection 2: NY 312 & Prospect Hill Road:
    - Westbound Left/Right Turn Lane: Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Westbound Left Turn Lane: LOS D to E
- Intersection 6: NY 312 & I-84 Westbound Ramp / Crossroads 312 Driveway:
    - Eastbound Left Turn Lane: LOS D to E

Peak Weekday PM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension
    - Eastbound Left Turn Lane: 50th Percentile Queue Length from 329' to 454'

    - Westbound Thru Lane: LOS D to F
- Intersection 2: NY 312 & Prospect Hill Road:
    - Westbound Left/Right Turn Lane: Greater Than 10% Delay Increase
- Intersection 3: NY 312 & Pugsley Road:
    - Alternative A:
        - Westbound Thru Lane: 95th Percentile Queue Length from 0' to 943'
- Intersection 4: NY 312 & Caremount Driveway:
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Alternative A:
        - Eastbound Left Turn Lane: LOS D to E
        - Eastbound Thru Lane: LOS C to E
    - Alternative B:
        - Eastbound Left Turn Lane: LOS D to E
        - Eastbound Thru Lane: 50th Percentile Queue Length from 377' to 515'

<u>Anticipated Analysis 2023 Build With Crossroads 312 Impacts:</u>

Peak Weekday AM Hour:

- Intersection 2: NY 312 & Prospect Hill Road:
    - Westbound Left/Right Turn Lane: Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Alternative B:
        - Westbound Left Turn Lane: LOS D to E

Peak Weekday PM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
    - Eastbound Left Turn Lane: 50th Percentile Queue Length from 329' to 448'
    - Westbound Thru Lane: LOS D to F
- Intersection 3: NY 312 & Pugsley Road:
    - Alternative A:

        - 95th Percentile Queue Length from 0' to 942'
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Alternative A:
        - Eastbound Thru Lane: 50th Percentile Queue Length from 377' to 508'
    - Alternative B:
        - Eastbound Left Turn Lane: LOS D to E

Peak Saturday Midday Hour

- No Impacts

<u>2023 Build Alternative Without Crossroads 312 Traffic Impacts:</u>

Peak Weekday AM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
    - Eastbound Left Turn Lane: LOS D to E
- Intersection 2: NY 312 & Prospect Hill Road:
    - Westbound Left/Right Turn Lane: Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Northbound Lane: LOS D to E
    - Southbound Lane: 95th Percentile Queue Length from 190' to 202'

Peak Weekday PM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
    - Southbound Right Turn Lane: LOS D to F and Greater Than 10% Delay Increase
    - Southbound Approach: LOS D to E
- Intersection 2: NY 312 & Prospect Hill Road:
    - Westbound Left/Right Lane: Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Westbound Left Turn Lane: LOS D to E
    - Southbound Left Turn Lane: LOS E to F

Peak Saturday Midday Hour:

- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Alternative A
    - Eastbound Right Turn Lane: 95th Percentile Queue Length from 180' to 276'
  - Alternative B
    - Eastbound Lane: LOS D to E

<u>Sensitivity Analysis 2023 Build Alternative Without Crossroads 312 Impacts:</u>

Peak Weekday AM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
  - Eastbound Left Turn Lane: LOS D to E
- Intersection 2: NY 312 & Prospect Hill Road:
  - Westbound Left/Right Turn Lane: Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Northbound Thru Lane: LOS D to E
  - Southbound Thru Lane: 95th Percentile Queue Length from 190' to 202'

Peak Weekday PM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
  - Southbound Right Turn Lane: LOS D to F and Greater Than 10% Delay Increase
  - Southbound Approach: LOS D to E
- Intersection 2: NY 312 & Prospect Hill Road:
  - Westbound Left/Right Lane: Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
  - Eastbound Thru Lane: LOS D to F and Greater Than 10% Delay Increase
  - Westbound Left Turn Lane: LOS D to E
  - Southbound Left Turn Lane: LOS E to F

<u>Anticipated Analysis 2023 Build Alternative Without Crossroads 312:</u>

Peak Weekday AM Hour:

- Intersection 2: NY 312 & Prospect Hill Road:

    - Westbound Left/Right Turn Lane: Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Northbound Thru Lane: LOS D to E
    - Southbound Thru Lane: 95th Percentile Queue Length from 190' to 202'

Peak Weekday PM Hour:

- Intersection 1: US 6 & NY 312 / NY 312 Extension:
    - Southbound Right Turn Lane: LOS D to F and Greater Than 10% Delay Increase
- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Westbound Left Turn Lane: LOS D to E
    - Southbound Left Turn Lane: LOS E to F

Peak Saturday Midday Hour:

- Intersection 5: NY 312 & Independent Way / I-84 Eastbound Ramp:
    - Alternative A
        - Eastbound Right Turn Lane: 95th Percentile Queue Length from 180' to 275'

<u>Comment No. 4-6</u>

Review "Build" project trip generation and vehicular assignments.

- *Additional backup and text should be included to explain the development of the vehicular assignment percentages utilized in the TIS.*

- *Please provide justification as only one distribution pattern is provided for both autos and trucks. While it is logical that trucks would arrive primarily from I-84, can the same be assumed for autos?*

- *See "TIS Technical Comments" section below for additional comments.*

(B-1, AKRF)

Response No. 4-6

Separate distributions have been utilized in the FEIS for trucks and employees who would be driving passenger vehicles to work at the request of the Town Planning Consultant. The projected truck distributions are consistent with the distributions utilized in the DEIS. The projected employee distributions are based on a gravity model with a 20 mile radius from the site utilizing 2010 census population data. Based on the population data relative to distances from the site, the employee distribution included in the FEIS is similar for I-84 to and from the east, Route 312 to and from the southeast, and Route 6 to and from the south. A higher percentage has been distributed from Route 6 to and from the northwest and a lower percentage has been distributed to and from the northwest along I-84. To be conservative, the analysis does not take credit for potential future employees of the project that may currently be traveling through the analyzed intersections to and from work, such as along Route 312 to access I-84, who would not be new vehicle trips at the intersections in the study area.

Comment No. 4-7

Review "No Build" LOS, vehicular delays, and queuing results presented in the TIS.

- *Build Conditions LOS and vehicular delays have been presented in the TIS in tabular form and generally summarized in the text. However, it is recommended that all lane groups/movements that would experience any of the following changes from No Build to Build conditions be identified in the TIS as an impact:*

  - *a decline from LOS D or better to LOS E or F;*
  - *a decline from LOS E to F;*
  - *notable increase in delay at LOS F*
  - *Queue lengths which exceed turn lane storage capacity uniquely under Build conditions.*

Any impacts identified as per the criteria described above should be clearly noted in the text and/or highlighted in the LOS tables for easy identification of impacts.

- *The impact criteria (e.g. decline in LOS, queues exceeding storage capacity) should be clearly identified in the text.*

- *Queueing results for Build conditions have not been presented in the TIS. Queue results should be presented in the text and in tabular form. Locations where queues uniquely exceed storage capacity under Build conditions, particularly for turning lanes, should be noted.*

(B-1, AKRF)

Review proposed mitigation measures to ensure all project related impacts have been identified and satisfactorily mitigated.

- *As indicated … above, the impact criteria, all impacts, and queueing results should be clearly identified prior to concluding that all impacts have been satisfactorily mitigated.*

(B-1, AKRF)

Review the TIS and where possible look to incorporate innovative (e.g., adaptive traffic signal technology) and traffic calming measures (e.g., roundabout solutions).

- *The potential for additional innovative and traffic calming measures will be discussed with NYSDOT at the July 23, 2018 meeting.*

(B-1, AKRF)

Build Conditions & Proposed Improvements

a. *The TIS should state if the Applicant has committed to the implementation of the jitney service that is mentioned in the TIS.*

b. *A diagram/figure should be provided in the TIS that clearly depicts the proposed changes to each segment of Pugsley Road, Fields Corner Road, and Barrett Road (e.g., ownership changes, geometric changes) to supplement the descriptions of those changes provided in the TIS.*

c. *For easy reference it is recommended that the proposed signal retiming improvements be clearly listed and outlined in the TIS text (TIS pages III.B-46 through III.B-49 in Section 1 "Mitigation Measures"), including cycle length, timings, and phasing information.*

(B-1, AKRF)

Too much traffic was a significant, general concern of many people. Key points raised were:

- The contemplated traffic circle at the intersection of Route 312 and Pugsley Road. Concerns included backups with the number of trucks generated by the project, safety of passenger cars and school buses with all the trucks, and in general its functionality. (See also Response No. 4-12/4-13).

- Concerns that area roadways (Route 312, Route 6, Route 22 and adjoining roads, as well as I-84 and I-684) would not be able to handle the additional traffic, causing major congestion and delays, impacts on local businesses as a result, and safety of school-related traffic.

The specific comments may be found in Appendix 2.B.

(B-2, PH #1, Ms. Woodgate); (B-2, PH #1, Mr. Bisio); (B-2, PH #1, Mr. Cuomo);
(B-2, PH #1, Ms. Ingraham); (B-2, PH #1, Ms. Pentavelli); (B-2, PH #1, Ms. Carroll);
(B-3, PH #2, Ms. Yekutiel); (B-3, PH #2, Mr. Lubra); (B-3, PH #2, Ms. Jacobs);
(B-3, PH #2, Mr. Carlos); (B-7, Patricia Williamson); (B-15, Helen Evers);
(B-21, Nina Walters); (B-22, Joseph Distefano); (B-29, Gina Occhigrossi);
(B-40, Janine Alberghini); (B-62, Elaine Joiner); (B-64, Samantha Jacobs);
(B-65, Susan Pesick-Pierro); (B-66, Lori Pesick-Pierro); (B-67, William Heath);
(B-67, William Heath); (B-79, Susan Tullipano & Ken Tullipano);
(B-85, Christine Capuano); (B-95, Rose & Pete DiGeronimo); (B-98, Snyder & Snyder);
(B-103, Donna Shenkman); (B-110, Jerry Halter); (B-118, Cherie Ingraham);
(B-121, Joseph Dobies); (B-126, Stephen McPartland); (B-127, Laurel Kaddatz, DVM);
(B-129, Frank Billack); (B-133, Kathie Franco); (B-134, Jon Scalzitti);
(B-142, Steve & Susan Elias); (B-143, Susan Rebentisch); (B-145, Mr. Gress);
(B-152, Bradley Schwartz, Ph.D.); (B-155, Cathy Croft); (B-155, Cathy Croft);
(B-169, Stacy Bisio); *(B-12, Rosemarie Crumley)*; *(B-16, Kenneth Kern)*; *(B-22, Ann Bassett)*;
(B-24, Paul Hondorf); *(B-27, Linda Cuzzi)*; *(B-28, Anthony Capizzi)*; *(B-28, Anthony Capizzi)*;
(B-32, Valerie Schmidt); *(B-55, John Berasley)*; *(B-58, Angela Cuomo)*;
(B-60, Vincent Stallone); *(B-61, George Joiner)*; *(B-62, Elaine Joiner)*; *(B-64, Samantha Jacobs)*;
(B-64, Samantha Jacobs); *(B-64, Samantha Jacobs)*; *(B-65, Susan Pesick-Pierro)*;
(B-66, Lori Pesick-Pierro); *(B-67, William Heath)*; *(B-68, KK Dorkin)*; *(B-68, KK Dorkin)*;
(B-70, Helen Dorkin); *(B-70, Helen Dorkin)*; *(B-72, Peggy O'Keefe)*;
(B-75, Laurene and Robert Coyle); *(B-76, Jackie Kaddatz)*; *(B-76, Jackie Kaddatz)*;
(B-79, Susan Tullipano & Ken Tullipano); *(B-80, Keith Napolitano & Silvana Napolitano)*;
(B-84, Rita LaBella); *(B-84, Rita LaBella)*; *(B-85, Christine Capuano)*;
(B-85, Christine Capuano); *(B-88, Eugene J. Duffy, Jr.)*; *(B-90, Challen Armstrong)*;
(B-91, Alan Wendolski); *(B-91, Alan Wendolski)*; *(B-93, Unknown)*; *(B-94, Israel Diaz)*;
(B-99, Pablo Diaz); *(B-100, Marie Vigada)*; *(B-101, Jack Pizzicara)*; *(B-101, Jack Pizzicara)*;
(B-102, Nina Agnano and Steven Hamel); *(B-103, Donna Shenkman)*;
(B-103, Donna Shenkman); *(B-107, Twin Brooks Homeowners Association, Inc.)*;
(B-109, Elena Tezzi); *(B-113, Nancy Santini)*; *(B-117, Ann Fanizzi)*;

(B-118, Cherie Ingraham); *(B-118, Cherie Ingraham)*; *(B-123, Jane DelBianco, Esq.)*;
(B-129, Frank Billack); *(B-130, Salvatore Gambino)*;
(B-132, Robert Mundy and Barbara Mundy); *(B-142, Steve & Susan Elias)*;
(B-148, Elena Tezzi); *(B-148, Elena Tezzi)*; *(B-126, Stephen McPartland)*;
(B-149, Ann Fanizzi); *(B-153, Mary Schwartz)*; *(B-154, Carlos Passi)*;
(B-166, Stefani Gosselink); *(B-167, Irene DeFelice)*;
(B-171, Stefani Gosselink (Brendan Harris)); *(B-171, Stefani Gosselink (Brendan Harris))*;
(B-171, Stefani Gosselink (Brendan Harris)); *(B-172, David Buckner)*; *(B-172, David Buckner)*;
(B-174, Christine Capuano); *(B-174, Christine Capuano)*; *(B-178, Catherine Harrington)*;
(B-179, Alice Brandon); *(B-179, Alice Brandon)*; *(B-15, Helen Evers)*; *(B-19, Gail Rampolla)*;
(B-38, Peter & Cathy); *(B-40, Janine Alberghini)*; *(B-44, John Riley)*; *(B-50, James Borkowski)*;
(B-50, James Borkowski); *(B-50, James Borkowski)*; *(B-52, Lawrence Martinez)*;
(B-57, Valerie Schmidt); *(B-105, Barbara Mahon)*; *(B-105, Barbara Mahon)*;
(B-105, Barbara Mahon); *(B-112, MaryAnn Bartolini)*; *(B-118, Cherie Ingraham)*;
(B-119, Janis Yamuder); *(B-121, Joseph Dobies)*; *(B-122, Jeffrey Gampinsky)*;
(B-135, Alison Yara); *(B-145, Hearing No. 3 (Mr. Hecht))*;
(B-145, Hearing No. 3 (Mr. Armstrong)); *(B-145, Hearing No. 3 (Mr. Armstrong))*;
(B-145, Hearing No. 3 (Mr. Armstrong)); *(B-145, Hearing No. 3 (Mr. Armstrong))*;
(B-145, Hearing No. 3 (Mr. Armstrong)); *(B-150, George and Diana Thomas)*;
(B-152, Bradley Schwartz, Ph.D.); *(B-153, Mary Schwartz)*;
(B-160, Donald and Donna McAlphin); *(B-168, Christine Caso)*;
(B-171, Stefani Gosselink (Sarah Gannon));

<u>Response No. 4-7</u>

All project related traffic impacts have been identified and satisfactorily mitigated. Substantial intersection, roadway and traffic control improvements are proposed by the Applicant, NYSDOT and the Crossroads 312 development, and the Applicant would widen Route 312 to provide four lanes between Pugsley Road and the I-84 Eastbound Ramps/Independent Way intersection. Changes to the levels of service and queuing have been highlighted as suggested on Tables 4-11 through 4-16A. At many locations,

there are no changes to levels of service as a result of the project, yet the highlighting is provided at the request of the Town Traffic Consultant since the No Build condition is level of service E or F. Impact criteria is defined in Comment No. 4-7 per the Town's Traffic Consultant. Traffic improvements proposed by NYSDOT, other developments and the Applicant are shown on Table 4-17. A relatively low proportion of lane groups will experience a change in LOS or queue impacts with the proposed improvements by the Applicant, including the construction of a four lane section along Route 312 between Pugsley Road and the I-84 Eastbound ramp. See Response No. 4-5 for a discussion of specific locations and lane groups. In addition, the Applicant proposes to reconstruct and widen Pugsley Road, a Town Road, along the entire length from Route 312 to Barrett Road. It is believed that the overall mitigation proposed by the Applicant mitigates the Proposed Project traffic volumes and balances the adverse and beneficial impacts in the study area and, in the opinion of the Applicant, is a net beneficial impact to the Town.

Consistent with the DEIS, No Build volumes have been projected with and without the Crossroads 312 project and its associated improvements. The No Build volumes have been revised at the request of NYSDOT to now exclude the previously considered volumes from the previously approved 143 residential lots associated with the Campus at Fields Corner development of the subject property (see Response No. 4-4). The No Build volumes now include additional approved development projects in response to DEIS comments, including the Gateway Summit and The Fairways projects in Carmel as well as the Terravest senior living development located off International Boulevard. The Prospect Hill Office Park development volumes are based on the ITE average rate for the Peak AM Hour, rather than the regression equation since the Y intercept in the equation is significantly large and, as recognized by ITE, should not be applied for relatively small developments. Based on ITE data, the anticipated number of trips for the Prospect Hill Office Park based on the ITE average rate are more in line than those based on the equation for similarly sized developments.

Additional proposed mitigation measures, have been incorporated into the FEIS, in order to ensure project related impacts have been identified and satisfactorily mitigated, including, but not limited to, constructing one additional lane in each direction along a portion of Route 312 to accommodate the traffic generated by the Proposed Project, which would also benefit others traveling along the roadway.

Since completion of the DEIS, NYSDOT has advanced its improvement project along Route 312 in the vicinity of the I-84 ramps, which is currently in the bidding process. As shown on the NYSDOT Construction plans for the improvements currently under construction, the three traffic signals at the I-84 eastbound ramps/Independence Way as well as the I-84 westbound ramps and the International Boulevard intersection would be coordinated to enhance traffic flow between the intersections. NYSDOT would be reconstructing the signal at the I-84 eastbound ramps/Independence Way intersection and changing the lane use along the ramp approach to provide separate left, thru and right turn lanes, with an overlap phase for protected right turns off of the ramp while vehicles make left turns onto the ramp from Route 312. NYSDOT is not proposing No Turn on Red signs at the three intersections, which were initially proposed by Crossroads 312 for NYSDOT's consideration. NYSDOT would be restriping a portion of one of the two left turn lanes along Route 312 eastbound to provide a westbound left turn lane into the park and ride lot. NYSDOT would also be restriping along Route 312 eastbound to extend a left turn lane to begin approximately 75 feet west of the Caremount driveway.

The Applicant has continued to coordinate with NYSDOT, and the proposed Route 312/Pugsley Road intersection improvements have been analyzed in the FEIS as a conventional T intersection with traffic signal control since based on the most recent discussions with NYSDOT at the meeting dated 1/24/2019 as summarized in the minutes of meeting dated 2/5/2019 included in Appendix 4, the T intersection with traffic signal control is the preferred intersection control by NYSDOT for the Route 312/Pugsley Road intersection. The analyses contained in the FEIS confirm that the

proposed improvements would accommodate the three projected traffic generation scenarios, which include conservative traffic projections.

The improvements at the Pugsley Road intersection and along Route 312 have been expanded substantially by the Applicant since the DEIS to mitigate the project traffic and improve conditions along Route 312 between the intersection and the I-84 eastbound ramps/Independence Way intersection. In addition to the previously proposed left turn lanes along Route 312, a second through lane is proposed in both the Route 312 eastbound and westbound directions to process vehicles approaching the intersection.

The proposed two Route 312 eastbound lanes would continue beyond the intersection to provide two continuous lanes to the I-84 eastbound ramps/Independence Way intersection. In the westbound direction, Route 312 currently tapers from two lanes to one lane in the vicinity of the Caremount driveway. The Applicant is now proposing to continue two westbound lanes to the Pugsley Road intersection, thereby providing a continuous four lane section along Route 312 between Pugsley Road and the I-84 eastbound Ramp/Independence Way. The four lane section would mitigate the site traffic along Route 312 and would improve emergency responses along the roadway by providing a second lane for vehicles to pull over into. In addition, by providing a separate lane for vehicles desiring to turn left onto the I-84 eastbound ramp, and by effectively reducing queuing of eastbound traffic, including school related cars and buses, which would otherwise occur which processes the largest percentage of the anticipated site generated volumes. The analysis covers two improvement scenarios, Alternatives A and B, both of which address the impacts of the proposed project, and NYSDOT will make the final determination as to what improvements are implemented. At Pugsley Road, Route 312 westbound would either consist of two thru lanes with shared right turns and dual left turn lanes with shared right turns along Pugsley Road; or there would be a single Route 312 westbound thru lane, and separate Route 312 right turn lane, and dual left turns and a separate right turn lane along Pugsley Road, depending on the preference of NYSDOT.

To further improve conditions, the Applicant is also proposing a series of land right-of-way exchanges with the Town (which are illustrated on Drawing PE-1 in Appendix 4.A, Part M), along Route 312, Pugsley Road, Barrett Road and Field Corners Road. The parcel exchanges along Pugsley Road and Field Corners Road are consistent with those previously proposed in conjunction with the approved residential development. Two parcels were previously dedicated to the Town in association with the road improvements anticipated at the Pugsley Road/Field Corners Road/Barrett Road intersection.

At the Route 312/Route 6 intersection, delays are projected without the project for left turns onto Route 312 from Route 6 and right turns onto Route 6 from Route 312. When Crossroads 312 is constructed, that project is required to provide dual left turns from Route 6 by widening Route 312 to add a second receiving lane. With the Crossroads 312 improvements, the Applicant of the subject property would coordinate with NYSDOT to improve the phasing of the traffic signal to provide common phasing for the Route 312 approach, rather than the split phasing shown in the Crossroads 312 study.

Finally, while it is anticipated that one or more businesses in the proposed buildings would utilize a jitney, no credit has been taken in the study for the potential jitney.

The proposed Project is located on approximately 225 acres of land within the Town's OP-3 Zone. The Applicant also owns an abutting parcel of approximately 103 acres in the Town's Rural Commercial (RC) Zone (together with the Applicant's property in the OP-3 Zone, the "Applicant's Property"). Even though the Applicant has no plans to develop its property in the RC Zone, it recognizes that the potential use of this property is a continuing source of concern for the Planning Board, Town Board, community members and agencies, such as the New York City Department of Environmental Protection ("DEP"), and the New York State Department of Transportation ("DOT"). Accordingly, the Applicant hereby advises that it is willing to impose upon its entire RC

property non-development restrictions, which would prohibit any future building development on the RC portion of the Applicant's Property.

Comment No. 4-8

Review the most recent three years of crash data to determine if there are any high accident locations that require ameliorative measures to improve safety conditions within the study area.

- *A review of the most recent three years of crash data revealed that the following locations were high accident locations (HAL - defined in the Highway Capacity Manual (HCM) as where five or more accidents are reported at an intersection or along a corridor in a 12-month period, see Attachment B): U.S. 6 & NYS Route 312, NYS Route 312 between U.S. 6 and Prospect Hill Road, NYS Route 312 & 1-84 EB Ramps/Independent Way, and NYS Route 312 & 1-84 WB Ramps. Not all of the above locations have improvement measures proposed. The TIS should address how improvement measures would improve safety conditions at these locations.*

(B-1, AKRF)

Response No. 4-8

The majority of accidents were rear end type, which were reportedly due primarily to drivers following too closely as well as driver inattention. There do not appear to be trends in the data, other than rear end accidents and careless driving.

There were a total of 5 accidents along the Caremount Driveway at Route 312 in three years. The proposed Caremount secondary access to Independent Way will provide an opportunity for Caremount related traffic to utilize the traffic signal to access Route 312.

There were only two accidents along Prospect Hill Road at Route 312 in three years, which is below the five accidents per year associated with the traffic signal control warrant.

1) Route 6 & Route 312 Intersection

Accident types consisted of 75% rear end, 6% sideswipe, 13% left turns and 6% head on. The severity was 81% property damage only and 19% non-fatal injury. The contributing factors were 56% following too closely, 19% driver inattention, 16 % failure to yield right of way, 3% backing unsafely and 6% fell asleep.

Potential safety improvements appear to be limited since 84% of the accidents were caused by improper driving, yet NYSDOT could review potential safety improvements as desired to be implemented by NYSDOT. NYSDOT acknowledged during the most recent meeting with the Applicant that any improvements to the intersection should not be the responsibility of the Applicant (see minutes of meeting in Appendix 4, item #9).

2) Route 312 Corridor Between Route 6 and Prospect Hill Road

Accident types consisted of 61% rear end, 6% sideswipe, 6% left turns and 6% animal and 22% fixed object. The severity was 72% property damage only and 28/% non-fatal injury. The contributing factors were 44% following too closely, 19% driver inattention, 6 % failure to yield right of way, 3% failure to keep right, 3% unsafe speed, 8% improper lane usage, 3% alcohol involvement, 6% animal's action and 8% fell asleep.

The accident rate is below the NYSDOT mean collision rate for the two lane roadway. While no specific improvements are recommended at this time, NYSDOT could review potential safety improvements to be implemented by NYSDOT.

3) Route 312 & I-84 Eastbound Ramps/Independent Way

Accident types consisted of 67% rear end, 2% sideswipe, 7% left turns, 9% right turns, 7% right angle and 7% overtaking. The severity was 98% property damage only and 2% non-fatal injury. The contributing factors were 52% following too closely, 12% driver inattention, 9% failure to yield right of way, 2% driver inexperience, 2% backing unsafely, 1% improper lane marking, 2% unsafe lane changing, 2% obstructed/limited view, 3% traffic control disregard, 10% improper lane usage and 2% slippery pavement.

The traffic signal and related improvements proposed by NYSDOT along Route 312 at this intersection as well as the Route 312 intersection with the I-84 westbound ramps are anticipated to minimize rear end accidents by coordinating the signals and platooning the traffic flow along Route 312. As part of the NYSDOT improvement project description of the improvements currently under construction, NYSDOT states the following:
The New York State Route 312 at the interchange with Interstate 84 experiences a high number of accidents, particularly rear end type collisions. The project will coordinate the three traffic signals at this interchange and smooth the transitions to the turning lanes in order to reduce the rear-end accidents. This project is located in the Town of Southeast.

4) Route 312 & I-84 Westbound Ramps

Accident types consisted of 73% rear end, 3% sideswipe, 13% left turns 3% fixed object and 7% overtaking. The severity was 80% property damage only and 20% non-fatal injury. The contributing factors were 58% following too closely, 10% driver inattention, 12% failure to yield right of way, 3% unsafe lane change, 2% passenger distraction, 2% alcohol involvement, 2% fell asleep, 3% passing too closely, 3% traffic control disregarded, 2% slippery pavement and 3% unsafe speed.

Safety improvements currently being implemented by NYSDOT at the I-84 interchange are described above.

Comment No. 4-9

Review on-site vehicular (auto and truck) and pedestrian circulation.

- *Drawings depicting truck turning paths at critical locations on-site, including the truck turnaround areas, should be provided. Drawings which show that WB-67 trucks with 53-foot trailers can safely navigate the improved NY 312 & Pugsley Road and Pugsley Road & Barrett Road intersections should be provided. Figure III-B.1 should be modified to depict the truck turning paths.*

- *Pedestrian sidewalks and crosswalks are provided near the auto parking areas but generally do not exist near the truck bays and truck parking areas. Please evaluate the need for pedestrian sidewalks and crosswalks near the truck bays and truck parking areas.*

(B-1, AKRF)

Response No. 4-9

Figures TA-1 through TA-16 depict the truck turning analyses for trucks at the Route 312/Pugsley Road intersections, the Pugsley Road intersections with the driveway for Buildings A and as well as Barrett Road, and the primary internal intersections. The turnaround areas have been designed for WB-67 trucks, which represent the largest design vehicle anticipated. The medians along the driveways would be mountable by trucks, including emergency service vehicles. The figures include the overall truck movements between Route 312 and the internal truck movements. The truck turnaround is for trucks that inadvertently travel south from Patterson are shown on Drawing TTP-1, which included in Appendix 4. The central islands within the site will be striped to clearly define the driving path for trucks. The internal driveway associated

with Building A has been modified as requested by the Town Planning Consultant and replaced with a proposed roundabout.

Pedestrian sidewalks and crosswalks are typically not provided for warehouses in the vicinity of the loading docks and trailer parking areas. Additional pedestrian crosswalks have been proposed at the suggestion of the Town Planning Consultant.

Comment No. 4-10

Review the site plan to ensure ADA and parking requirements are satisfied.

- *Details of the pedestrian facilities should be provided so that ADA compliance can be confirmed. In note (3) of the Parking and Loading Table presented in drawing C-100 it is indicated that septic areas have been conservatively sized for the potential higher employee totals. While the Town parking requirements are satisfied for the lower employee numbers presented in the Parking and Loading table, please confirm that they would also be satisfied for the higher employee numbers presented in note (3). An expanded discussion of both ADA and parking requirements should be included in the TIS. Also, parking demand rates from the Institute of Transportation Engineers (ITE) Parking Generation manual, 4th Edition, should be considered to determine if parking requirements can be considered as satisfied.*

(B-1, AKRF)

Sidewalk must comply with current ADA requirements. The values shown on the table "Critical Elements for the Design, Layout and Acceptance of Pedestrian Facilities" shall be used to ensure that pedestrian facilities in the public right of way are ADA compliant. Please refer to Engineering Directive ED15-004 below. The applicant will need to provide inspection services as indicated.

• ***Engineering Directive ED15-004*** *- Design, Construction and Inspection of Pedestrian Facilities in the Public Right of Way*

The values shown on the table Critical Elements for the Design, Layout and Acceptance of Pedestrian Facilities" shall be used to ensure that pedestrian facilities in the public right of way are ADA compliant. Please refer to engineering directive ED15-004. When submitting proposed permit projects for NYSDOT review, the applicant's engineer will need to include a letter or statement within the transmittal letter that the submitted design is compliant with ED15-004 and all other applicable codes, standards, and specifications. The applicant will also need to provide inspection services as indicated. In particular, the applicant's engineer will perform the required pre-pour concrete form inspection, completed construction inspection, and submit a signed, sealed document confirming compliance with ED15-004 and all other applicable codes, standards, and specifications. In instances where nonstandard features cannot be avoided a justification form will need to be completed under the process promulgated under the Highway Design Manual Chapter 2 (Refer to Exhibit 2-15A).
(B-1A, NYSDOT (Schumaci))

Response No. 4-10

The pedestrian facilities have been designed to be ADA compliant, as shown on the grading plans and construction details submitted to the Town. No pedestrian facilities are proposed within the Route 312 right of way as none currently exist.

The number of employees on a peak shift is currently not expected or planned to exceed the 551 employees. The total parking provided with the landbanked spaces provides 0.81 space per 1,000 s.f., which exceeds the ITE Parking Generation, 5th Edition average peak utilization of 0.39 occupied spaces per 1,000 s.f., as shown in the ITE data included in Appendix 4.

Comment No. 4-11

Review project site driveway conditions to ensure sight distance requirements are satisfied.

- *This TIS provides a text description of sight distance assessments at the project site*

driveway for Buildings 1 and 2 and at the intersection of Pugsley Road and Barrett Road. However no sight distance assessments were provided for the Building 3 and 4 driveways on Barrett Road. Drawings should be provided which depicts the sight lines.

(B-1, AKRF)

Response No. 4-11

Sight distances are illustrated for the three requested locations in Figures SD-1 through SD-6 and include the two intersections along Pugsley Road as well as the Pugsley Road/Route 312 intersection. A stopping sight distance analysis is included for the Route 312/ Pugsley Road intersection since it is expected that the intersection will be signalized.

Comment No. 4-12/13

Utilizing the Synchro files as provided by the Applicant, run SIMTRAFFIC to ensure the proposed roundabout works and there are no significant queuing problems with the adjacent intersections (including the I-84 ramp intersections).

- *AKRF concurs with NYSDOT's preliminary assessment of the roundabout design presented in their correspondence letter dated July 3, 2018 (see Attachment C). A meeting is scheduled to be held on July 23, 2018 with NYSDOT to further discuss their comments on the roundabout analysis.*

(B-1, AKRF)

Review the proposed roundabout plans to ensure that from a traffic perspective, the design satisfies traffic engineering standards.

- *AKRF concurs with NYSDOT's preliminary assessment of the roundabout design presented in their correspondence letter dated July 3, 2018 (see Attachment C). A*

meeting is scheduled to be held on July 23, 2018 with NYSDOT to further discuss their comments on the roundabout design.

(B-1, AKRF)

While the capacity analysis does favor the roundabout it truly wasn't a direct comparison. The signal design doesn't have 2 thru lanes for 312 in either direction while the roundabout does. The signal option can easily be revised to allow for 2 thru lanes in either direction on 312 - the lane drop lengths will need to be a little longer out the exits because of the higher operating speeds Also, the roundabout design cannot have 2 through lanes on 312WB and 2 lefts from Pugsley Road - it creates a crossing conflict because of the leg geometry. The fix for this if the roundabout is still preferred is to only have 1 left turn lane from Pugsley - this will still work but lower the operational gap between the roundabout and signal option. Since Pugsley is only "busy" for a few times throughout the day the signal - once improved a bit - could be the overall better option. The roundabout will slow down 312 thru traffic 24/7 while the signal timing can drastically favor 312 outside of the peak hours - We just don't know if the roundabout traffic calming effect is desired or not. The imbalanced volumes could favor the signal once revised, the safety aspect could favor the roundabout (although safety doesn't seem to be an issue here as of now) and the grade issue should favor the signal option.

<u>Three Lane Roundabout Design submission:</u>

We re-ran the analysis and have a few recommendations/comments for the signal and roundabout option:

- *SIGNAL*
  - *The WB 312 lanes could be thru only in left lane and thru-right in right lane – this will help with the ROW impact in the corner*
  - *The signal operation with 2 thru lanes E & W works quite well*

- *ROUNDABOUT*

- *The 3/2 lane configuration is a bit much for this site - and still provides poor LOS for SB in 2023 PM*
- *The roundabout greatly improves by utilizing a metering signal to stop WB for 10 to 15 seconds every minute to allow SB to move*
- *If the metered roundabout is considered worthy of further investigation it is possible for SB lefts to be in just 1 lane which will address the lane conflict issue and not need 3 lanes*

Overall - there is still an issue with the amount of traffic leaving this intersection EB heading for the signal at Independent Way. The 2023 PM volumes have around 1650 heading EB on 1 lane after the lane drop just east of the intersection in question. 1650 is too high for the 1 lane to carry - the result will be cars backing into the intersection - whether it is a roundabout or a signal. 2 lanes EB from this intersection to the signal at Independent Way should be considered. (B-1A, NYSDOT (Schumaci))

<u>Response No. 4-12/13</u>

As a result of subsequent meetings and discussions, NYSDOT currently prefers the signalized T intersection alternative compared to the roundabout alternative, as summarized in the minutes of meeting dated 2/5/2019 of the meeting with NYSDOT held on 1/24/2019. As such, the Applicant is no longer pursuing the roundabout alternative, and is, instead, proposing signalization at the intersection of Route 312 and Pugsley Road, together with other improvements.

<u>*Comment No. 4-14*</u>

As necessary, set up meetings with the Town, NYSDOT, and the Applicant to review the key components of the TIS and proposed improvement measures.

- *A meeting with NYSDOT has been scheduled for July 23, 2018 to review key components of the TIS and proposed improvement measures. Additional meetings*

will follow as needed.

(B-1, AKRF)

Response No. 4-14

The Applicant met with NYSDOT and the Town on four occasions, most recently 7/23/18 and 1/24/2019, as summarized in the minutes of meeting dated 2/5/2019 of the meeting with NYSDOT held on 1/24/2019. Additional meetings will follow as may be needed. The data and analysis presented in the DEIS and the FEIS shows that project related impacts have been identified and satisfactorily mitigated, including, but not limited to, constructing one additional lane in each direction along a portion of Route 312 to accommodate the traffic generated by the Proposed Project, which would also benefit others traveling along the roadway.

Comment No. 4-15

TIS Technical Comments
Data Collection

a. *The TIS scope of work states that Saturday turning movement counts (TMC) would be conducted from 11 AM to 2 PM. The Saturday TMCs were collected from 12 PM to 2 PM. Please provide an explanation as to why the 11 AM to 12 PM period was not counted.*

b. *Locations where "No Turn On Red" signs are posted should be indicated on the Physical Inventories (PIs).*

(B-1, AKRF)

So then I noticed, also the traffic report, that you guys are recommending for the intersection of 312 and 84, and I believe also for Independence Way, that you're going to remove the no turn – there's going to be no turn on red. No turn right turn on red. So all the intersections at

that place, you won't be able to turn right on red. So now you're going to have to stay put. So I'm wondering now how that's going to affect the traffic flow, since people cannot make those right on red turns.
(B-2, PH #1, Ms. Woodgate)

I mean, they talk about improvements to the intersection. I'm assuming one improvement is right on red elimination, which I don't really have a problem with.
(B-3, PH #2, Ms. Aurello)

NIL will eliminate any right on red at the intersections of 312, 84 and independence way. Leading to potential longer waiting times at these intersections.
(B-64, Samantha Jacobs)

Response No. 4-15

The counts previously conducted at the majority of the intersections prior to additional intersections being added to the TIS scope were conducted beginning at 11:00 AM and revealed that the peak hour on Saturday occurred after 12:00 PM. The Town Planning Consultant performed additional traffic counts and the volumes counted by the Applicant were conservatively increased for certain traffic movements as suggested by the Town Planning Consultant based on a comparison of the counts. See Response 4-16.

a. NYSDOT is not proposing No Turn on Red signs at the three intersections along Route 312 in conjunction with the currently proposed NYSDOT project which is being bid for construction. The signs were initially proposed by Crossroads 312 for NYSDOT's consideration. The Applicant is not proposing such signage in connection with this project.

Comment No. 4-16

Existing Conditions - Please explain why the PM peak hour is 5:00 - 6:00 PM since the number of area total is higher during the 4:45 to 5:45 PM period (page 131 of Appendix). Please explain why the Saturday Midday peak hour is 12:15 - 1:15 PM since the number of area total is higher during 12:30 - 1:30 PM (page 131 of appendix).
(B-1, AKRF)

Response No. 4-16

The volume differences between the 15 minute intervals were minor and the peak hours were initially determined prior to subsequent counts at additional intersections. The counted volumes were conservatively balanced by the Applicant between intersections, which resulted in higher volumes through the roadway network. The volumes were subsequently increased as part of the FEIS analyses based on spot counts conducted by AKRF wherever the AKRF volumes were higher based on the AKRF counts conducted during the times associated with the TIS scope, yet were not reduced for turn movements where the AKRF volumes were lower, resulting in higher overall volumes.

Comment No. 4-17

No Build Conditions

a. *The source of the 1 percent growth rate utilized in the TIS should be identified (e.g., guidance from the Town, NYSDOT, etc.).*

b. *The TIS should state if the NYSDOT Statewide Transportation Improvement Program (STIP) listings were consulted to determine any proposed area roadway improvement projects that should be included in the No Build condition.*

(B-1, AKRF)

Response No. 4-17

a. The annual growth rate is based on a review of record NYSDOT traffic volume information as well as coordination with the Town.

b. The No Build conditions analyzed in the FEIS reflect the proposed NYSDOT improvements along Route 312 and are based on the Applicant's discussions with NYSDOT and review of the NYSDOT improvement plans. These improvements are under construction and are included in the STIP.

Comment No. 4-18

Trip Generation

a. A vehicle profile of the proposed trip generation should be provided which breaks down the trip generation by vehicle type/classification, including a breakdown of truck types (e.g., single-unit trucks, tractor trailers). FHWA vehicle classifications can be referenced as part of this breakdown. Estimates of vehicle arrival/departure distribution hours by type should also be provided.

b. The TIS should reference what the proposed work shifts are and how the shifts would affect trip generation and the distribution of peak trips throughout the day.

c. The trip generation in the TIS was based on trip generation rates presented in the 9th Edition of the ITE Trip Generation Manual for Land Use 150, "Warehouse". The trip generation rates from the 10th Edition of the Trip Generation Manual for the same Land Use 150 "Warehouse" were lower (both daily and peak hour) when compared with the rates presented in the 9th Edition of the manual. Table 4-1 below presents a comparison of trip generation rates for various related warehouse uses with those utilized in the TIS.

d. *It is important to note that while the rates for LU# 155 and 156 are higher compared to the 9th Edition rates, the rates for LU# 155 and 156 are based on small sample sizes (4 or fewer studies) and should be utilized with caution. The 10th Edition rates for LU# 150 and 154 are generally based on much larger sample sizes (up to approximately 100 studies). Details regarding the proposed usage of the site should be carefully reviewed to ensure that the proper trip generation rates are applied. The trip generation numbers presented above will be discussed as part of the July 23, 2018 meeting with NYSDOT.*

(B-1, AKRF)

Table III.C.4-1
Comparison of ITE Trip Generation Rates (per 1,000 SF GFA)

ITE Trip Generation Manual Edition		***9th Edition***	***10th Edition***			
ITE Land Use (Land Use#)		***Warehouse (150)***	***Warehouse (150)***	***High-Cube Transload & Short-Term Storage Warehouse (154)***	***High-Cube Fulfillment Center Warehouse (155)***	***High-Cube Parcel Warehouse (156)***
Daily Weekday		***3.56***	*1.74*	*1.40*	***8.18***	***7.75***
Daily Saturday		***1.23***	*0.15*	*0.94*	*N.A.*	*N.A.*
Peak Hour of Adjacent Street Traffic	*AM*	***0.30***	*0.17*	*0.08*	***0.59***	***0.70***
	PM	***0.32***	*0.19*	*0.10*	***1.37***	***0.64***
	Saturday	***N.A***	*N.A.*	*N.A.*	*N.A*	*N.A.*
Peak Hour of Generator	*AM*	***0.42***	*0.22*	*0.12*	*0.22*	***0.88***
	PM	***0.45***	*0.24*	*0.16*	*0.27*	***0.71***
	Saturday	***0.13***	*0.05*	*0.12*	***0.20***	*N.A.*
Notes		***Rates Utilized in the TIS***			*Based on small number of studies - use with caution.*	*Based on small number of studies – use with caution.*

And then I'd be interested to know the classification breakdown for the type of tractor trailer, because it seems to me these facilities have different classes of tractor trailers. That would be helpful to know. So I see there's, like, Class 12, 13, and 10, which all involve large tractor

trailers. So it would be interesting to know by classification so that we can understand what kind of trailers we're dealing with.
(B-2, PH #1, Ms. Woodgate)

Please provide a proposal for employee shift times for the Planning Board to consider.
(B-158, Eric Larca)

Response No. 4-18

a. Traffic counts were conducted in 2017 and 2018 at the Gap warehouse and in 2018 at the Matrix distribution facility in Newburgh, NY. The vehicle composition of autos, box trucks and tractor trailer trucks as well as the daily distributions based on 24 hour counts at the two facilities are included in Appendix 4. The DEIS noise chapter also included 24 hour truck distribution projections based on Federal Highway Administration (FHWA) distributions. The truck volume counts conducted at the Gap and Matrix facilities were adjusted to reflect the square footage of the proposed buildings. Based on the counts, approximately 130 daily truck trips could be anticipated for the proposed facility, rather than the 510 trips mentioned in the DEIS. Of the 130 trips (total of entering and exiting trips), approximately 40% would be single unit box truck trips and approximately 60% would be tractor trailer trips based on the truck types counted at the Gap and Matrix facilities.

b. Work shifts for warehouses/distribution centers are typically 7:00 AM – 3:00 PM, 3:00 PM – 11:00 PM and 11:00 PM – 7:00 AM, which is consistent with ITE data that shows peak hour of the generator site volumes being higher than peak hour of adjacent street traffic volumes. The 24 hour traffic counts conducted at the Gap and Matrix facilities are generally consistent with the ITE data for high-cube warehouse (code 154), which is substantially less than warehouse (code 150), and adjusting the Gap and Matrix data based on building square footage to the proposed development shows that the proposed development would have very low traffic

generation during the peak PM highway hour along Route 312, which occurs from 5:00 – 6:00 PM. The project generated volumes associated with the worker shifts (peak hour of generator) have been conservatively assessed by superimposing the peak hour of generator volumes on the peak hours of the roadways.

c. As recognized in the comment and shown on Table III.C.4-1 within the comment, the ITE 10th Edition trip generation rates for the "Warehouse" use, which are based on more data than the 9th Edition, are substantially lower than the 9th Edition rates. During certain hours, the 10th Edition rates are approximately 50% of the 9th Edition. Notably, the 10th Edition includes more current studies which reflect enhanced mechanization. While the Applicant feels that the 10th Edition should be used for the warehouse (land use 150), NYSDOT has required the Applicant continue to utilize the 9th Edition warehouse land use 150 data for a conservative analysis (2023 Build). The Town has required the Applicant also continue to have a second analysis of the 9th Edition warehouse land use 150 data for the peak hour of generation superimposed on the peak hour volumes of the Route 312 intersections (Sensitivity Analysis 2023 Build). During the Site Plan Approval process and the Highway Work Permit process, the Applicant will coordinate with the Town and NYSDOT to provide NYSDOT with a document that would establish the proposed land use as a warehouse/distribution center, and ensure that, if the land use were changed in the future, the proposed use would be subject to review by the Town and NYSDOT. It is anticipated that this can be accomplished through the SEQRA Statement of Findings, as a condition in the resolution of Site Plan approval, and as a note on the site plan.

d. NYSDOT concurs that the 10th Edition high-cube warehouse codes 155 and 156 should not be utilized due to the small sample size, which the Applicant believes reflects that those types of facilities are unlikely to comprise the majority of the proposed project's tenants. The Applicant believes that the most appropriate trip generation projections are based on the trip generation on the ITE high-cube warehouse code 154 (transload and short term storage), which is based on nearly

100 studies, as recognized in the comment. Accordingly, in addition to the two Build scenarios analyzed in the DEIS and again in the FEIS that are conservatively based on the 9th Edition land use 150 rates, the FEIS includes a third scenario based on the ITE 10th Edition land use 150 (warehouse), which is identified as Anticipated Analysis 2023 Build. The rates associated with the 10th Edition land use code 154 are substantially lower than the 9th Edition land use code 154. The 24 hour traffic counts conducted at the Gap and Matrix facilities are generally consistent with the ITE 10th Edition data for high-cube warehouse (code 154), which are substantially less than warehouse (code 150),

While ancillary retail uses are likely included in the ITE data for land use codes 150 and 154, ITE does not specifically mention ancillary retail. The Applicant is no longer proposing ancillary retail uses as part of its project.

<u>Comment *No. 4-19*</u>

Warrant Analysis

a. *AKRF questions the consideration of the NY 312 approaches to the intersection as two-lane approaches for the Warrant analysis. Each approach consists of a single through lane and a separate left or right turn lane. Based on MUTCD guidance, it appears that the volume percentages for the turn lanes would not be sufficient for considering the approaches as two-lane approaches. Please review and confirm.*

b. *Please provide backup which demonstrates how the future (No Build, Build) hourly volumes presented in Table III.B-9 were developed.*

(B-1, AKRF)

Response No. 4-19

a. The existing volumes along Route 312 satisfy the major street volume criteria as stated in the Manual on Uniform Traffic Control Devices based on both the single lane and two-lane approaches for the warrant analysis. The traffic signal warrant analysis included in Appendix 4 shows that the intersection would meet traffic signal warrants. Based on the ITE 10th edition site generated volumes, which are the lowest volumes of the three scenarios analyzed, the four hour and peak hour warrants would be satisfied. NYSDOT has determined that the intersection should be signalized, rather than the previously considered roundabout alternative, and has advised that the demand responsive actuated traffic signal can be installed with the development of the first building. The Applicant is of the opinion that the preliminary design of the traffic signal pole locations meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sight distance to signal faces relative to the proposed stop bars, as included in Appendix 4. Traffic signal ahead signs are proposed by the Applicant along Route 312.

b. The future No Build volumes were projected based on increasing the counted volumes by an annual growth rate to the design year and adding traffic from other developments by utilizing peak hour volumes from other studies or ITE as applicable and extrapolating the data to off peak hours. As mentioned, the existing volumes along Route 312 satisfy the major street volume criteria. The project generated hourly volumes are projected based on ITE data.

Comment No. 4-20

TIS Text/Editorial Comments

a. Page III.B-30: The LOS reference is missing from the description of the NY 312 & International Boulevard (4th line from the bottom of the page).

b. *Page III.B-31: The last sentence of the first paragraph ("Pugsley Road left turn lane is projected to operate at level of service F ... ") is repeated for the second time within the paragraph. Should this sentence be located elsewhere?*

c. *Table III.B-5: The Caremount Driveway approach is listed as "Southbound" (instead of "Northbound")*

(B-1, AKRF)

Response No. 4-20

These editorial comments have been incorporated in this FEIS, and supersede text and tables in the DEIS as may be applicable.

Comment No. 4-21

Figures

a. *Figure 9 (Crossroads Volumes): Volumes do not balance between intersections #5 & #6 and #6 & #7. Are volumes lost/gained through additional driveways to/from the Crossroads site?*

b. *Figure 12: The volumes for Intersections 1 through 4 appear identical to those shown in Figure 11. Please check and verify. Volumes do not balance between intersections #5 & #6 and #6 & #7. Are volumes lost/gained through additional driveways to/from the Crossroads site?*

c. *Figures 14, 15, 16, 21, 22, and 23: The number of 'in' and 'out' trip totals shown differ slightly from those presented in the corresponding trip generation tables.*

d. *Figure 32: No volumes are shown for Intersection #4.*

(B-1, AKRF)

Response No. 4-21

The figures have been revised and are included in Appendix 4. The revised analyses presented in this FEIS reflect these comments and supersede the figures in the DEIS.

Comment No. 4-22

Synchro

a. *Please confirm that all lane widths have been coded in correctly. For example, the southbound right turn only lane at Route 312 and Route 6 should be 11' instead of 12'.*

b. *Please provide the field measurement notes for intersections where grades are coded. Otherwise remove any grade in synchro. Negative grades have the potential to improve delay and LOS results and should be supported.*

c. *U.S. 6 & NY 312 Intersection: Please confirm that the correct time of day plan, including the phasing sequence, for the signal has been coded at this intersection. The Southbound through and southbound left-turn volumes are coded in reverse for the No Build Alternative, Saturday Peak Hour. Please correct.*

d. *NY 312 & Pugsley Road Intersection: The Percent Heavy Vehicles are coded as 0% for the eastbound left-turn and southbound right-turn movements under No Build and Build conditions. Please verify the use of 0% for these movements as the trip distribution patterns assign 10 percent of the trips to these movements. The length of the westbound right-turn storage lane is coded differently between various conditions/time periods (e.g., 210' under No Build AM, 240' under No Build PM). Please verify all conditions for consistency.*

e. *NY 312 & I-84 Eastbound Ramps/Independent Way: The widths of the northbound lanes were coded differently across between No Build PM (12') and No Build Saturday (13') conditions. Please verify for all conditions for consistency.*

f. NY 312 & I-84 Westbound Ramps: The Percent Heavy Vehicles for all new movements to/from the Crossroads development are coded as 0% under No Build and Build conditions. Should these be coded, at a minimum, as 2%?

(B-1, AKRF)

At the intersection of Route 312 at Caremount Dwy, Route 312 westbound is one lane existing however Synchro models have this segment of road modeled as two lanes.

(B-1A, NYSDOT (Schumaci))

Signal timing input in Synchro at the intersection of Route 312 at 184 Westbound ramp does not match signal timing used in the field, please correct for existing and no build models.

(B-1A, NYSDOT (Schumaci))

Signal timing input in Synchro at the intersection of Route 312 at International Blvd does not match signal timing used in the field, please correct for existing and no build models.

(B-1A, NYSDOT (Schumaci))

Response No. 4-22

The revised analyses presented in this FEIS reflect these comments. While the truck distribution projected for the project generated truck volumes west of Pugsley Road along Route 312 is 10%, the actual truck percentage is 0% for the conditions stated in 'd.' above, except for the percentage shown in the analysis for the Route 312 eastbound left turn during the Peak AM Hour, due to the low truck volumes relative to the overall turning movement volumes.

Comment No. 4-23

Special Dimension Vehicle Access Highway Designation

a. The Applicant should continue to keep the Town up to date on the status of the approval process for the Special Dimension Vehicle Access Highway Designation.

b. An estimated measurement along Pugsley Road shows that access to the northern site access driveways may be in excess of one mile from the farthest I-84 ramp. A figure should be provided which shows the measured distances from the farthest 1-84 ramp, along with the existing and proposed Special Dimension Vehicles Access Highway route(s).

(B-1, AKRF)

What is the status of converting Pugsley Road into an access highway?
(B-1A, NYSDOT (Schumaci))

What is the status of converting Barrett Road into a private road or access highway?
(B-1A, NYSDOT (Schumaci))

Response No. 4-23

a. NYSDOT has conditionally approved the extension and requests confirmation from the Town. The specific process is included in the DEIS Appendix B, Traffic Data. It is expected that Pugsley Road will be designated an access highway upon the completion of the proposed improvements to Pugsley Road by the Applicant. Barrett Road would not need to be an Access Highway if it becomes private, which is a Town Board decision.

b. The requested figure is included in Appendix 4.

Comment No. 4-24

Emergency Services - Letters should be obtained from emergency services from both the Towns of Southeast and Patterson regarding input on the permanent closure of Fields Comer Road.
(B-1, AKRF)

Response No. 4-24

The Applicant's representation met with Brewster Fire Chief Moe DeSantis on September 19, 2018 to discuss the DEIS Plan. At the meeting, the Fire Chief was receptive to the closure of Fields Corners Road north of the project with the installation of a Knox box for emergency vehicle access No minutes of the meeting were prepared. . Subsequently, plans for the revised project were sent to Chief DeSantis on 02/08/2019, requesting comment. Chief DeSantis was advised by the Fire District on 03/13/2019 to make no comment on the project, as discussed in the email from Chief DeSantis included in Appendix 4.

The letter received from the Patterson EMS Administrator dated September 18, 2018, included in Appendix 4, states that they are not opposed to the permanent closure of Fields Corner Road. As currently is the case, Fields Corner Road would remain closed and not maintained to the north of the project during winter months.

To prevent truck traffic from traveling to or leaving the site through Patterson, truck access to Fields Corner Road would be restricted. The Applicant would abide by whatever means the Town prefers to implement this restriction. The Town of Southeast has indicated the current position of the Town is that height clearance bars and gates would be installed at two locations and truck turnaround areas would be provided. Signs would be installed prohibiting commercial trucks and advising of the progressive fines. Video monitoring would be recorded and provided to the Town and/or the Putnam County Sheriff's office if requested. The gates would remain open, unless traffic levels on Fields Corner Road exceed those predicted in this FEIS. Emergency vehicles would have access through the gates as may be needed if the gates are closed,

Comment No. 4-25

The proposed action involves additional traffic and has minor impact on the state transportation system.
(B-1A, NYSDOT (Schumaci))

Response No. 4-25

The Applicant concurs.

Comment No. 4-26

It is anticipated that a Highway Work Permit will be required as part of the proposed action.
(B-1A, NYSDOT (Schumaci))

The applicant is encouraged to review the permit process and all required HWP forms on the NYSDOT website (https://www.dot.ny.gov/index) Please submit the PERM 33-COM as part of the submission.
(B-1A, NYSDOT (Schumaci))

Please submit subsequent plans and documents for this project as well as those for any future development proposals in DIGITAL (.pdf) FORMAT -CD, DVD or Thumb drive.
(B-1A, NYSDOT (Schumaci))

All proposed work within the NYSDOT Right-of-Way requires a Highway Work Permit (HWP). A detailed engineering review is necessary and required for issuance of a HWP. Please note that any proposed changes to the existing property plan, use, or traffic operations may necessitate an updated access configuration for the proposed project. The HWP applicant should be directed to contact the local NYSDOT-HWP Engineer to initiate a review process.

(B-1A, NYSDOT (Schumaci))

Response No. 4-26

The Applicant is familiar with the process and has initiated the permit review.

Comment No. 4-27

It is suggested that the applicant address all mentioned concerns and resubmit the proposal for our review and comments.
(B-1A, NYSDOT (Schumaci))

Response No. 4-27

The Applicant would resubmit the information contained in the FEIS for continued review by NYSDOT.

Comment No. 4-28

Depending upon the size of the proposed improvement or impact to the NYSDOT Right-of-Way, additional engineering details may be required. These details may include a Traffic Impact/Accident Study, SYNCHRO analysis for all affected highways/intersections, Site Plan (SP), Accident Counter-measures/Mitigation, Highway Improvement Plan (HIP), and/or other submissions as directed by the Permit Engineer.
(B-1A, NYSDOT (Schumaci))

Response No. 4-28

The additional information would be submitted for continued review by NYSDOT.

Comment No. 4-29

Lead Agency approval under SEQR is required in advance of permitting.
(B-1A, NYSDOT (Schumaci))

Please reference our SEQR Number 17-234 on all future correspondence regarding this project
(B-1A, NYSDOT (Schumaci))

Response No. 4-29

The Applicant and the Town both understand that the SEQRA process for the project must be completed before the Involved Agencies can make permitting decisions for it. The SEQRA number will be used for all future correspondence with NYSDOT regarding the Proposed Project.

Comment No. 4-30

Provide a sight distance matrix including design speed, posted speed, required sight distance and sight distance provided for each type of turning movement, deficiency (if any with support for variance) Labeled and dimensioned sight line triangles need to be shown on plans.
(B-1A, NYSDOT (Schumaci))

Please provide sight distance diagrams for any impacted intersection resulting from this development.
(B-1A, NYSDOT (Schumaci))

Response No. 4-30

Sight distance figures are included in Appendix 4 of the FEIS along Pugsley Road as well as at the Route 312 intersection. The Route 312/Pugsley Road intersection would be

signalized, thus a stopping sight distance analysis has been provided. Signal ahead signs would be provided in both directions along Route 312 to advise approaching motorists of the intersection. NYSDOT advised during a phone conversation with the Applicant on 9/29/2019 that sight distance information is requested only for those intersections where the geometry is changing. Thus the information included in this FEIS address the comment.

Comment No. 4-31

The applicant is required to satisfactorily complete the Smart Growth Prescreening Tool required under the NYS Smart Growth Public Infrastructure Policy Act (SGPIPA).
(B-1A, NYSDOT (Schumaci))

Response No. 4-31

The tool would be submitted during the permit review process. The tool is to ensure that public infrastructure projects undergo a consistency evaluation and attestation using eleven Smart Growth criteria specified in the Act. It is not part of the SEQRA process because it does not have any connection to an impact/mitigation analysis.

Comment No. 4-32

Looks like two distinct design concept plans – neither one having been approved, or having provided the minimum information concerning drainage impacts to the state highway, resultant from either work proposal. Please provide drainage studies. Any erosion control necessary?
(B-1A, NYSDOT (Schumaci))

Response No. 4-32

A drainage analysis has been included in the FEIS to address off-site improvements.

Comment No. 4-33

What do the arrows that appear on both roundabout sheets, coming in from east then again heading south represent?
(B-1A, NYSDOT (Schumaci))

Response No. 4-33

The arrows that appear on both roundabout plans are flow arrows.

Comment No. 4-34

Turning diagrams show that a WB-67 will only be able to traverse the roundabout under only the most ideal scenarios with a driver maneuvering through the roundabout flawlessly. Please include turning diagrams for the largest tandem trailer you anticipate utilizing this development.
(B-1A, NYSDOT (Schumaci))

Response No. 4-34

The roundabout is no longer proposed based on discussions with NYSDOT as included in the minutes of meeting included in Appendix 4.

Comment No. 4-35

The Build volumes do not appear to correctly account for the trip generation associated with land use code 150. The build volumes should be the value derived from adding the no build volume to the primary volumes turning diagrams provided in the TIS or justify why your reducing the housing volumes from the warehouse volumes.
(B-1A, NYSDOT (Schumaci))

Response No. 4-35

At the request of NYSDOT, the volumes associated with the previously approved residential development on the site are no longer included in the no build analyses, resulting in a conservative analysis.

Comment No. 4-36

Will Barrett Road southbound approaching the development tie into the proposed roundabout? (B-1A, NYSDOT (Schumaci))

Response No. 4-36

The roundabout is no longer proposed based on discussions with NYSDOT, as included in the minutes of meeting included in Appendix 4

Comment No. 4-37

It's unclear what is happening with the previously approved 143 single family homes mentioned in the TIS. Is this part of the project? NYSDOT does not see anything currently existing at this location on Google Earth nor plans to build them. Why are the volumes from the residential homes being subtracted from the warehouse values as shown in row C of Table III.B-6? If the 143 single family homes are not part of the project, please remove from trip generation tables and adjust no build and build volumes accordingly.
(B-1A, NYSDOT (Schumaci))

Response No. 4-37

See Response No. 4-35.

Comment No. 4-38

Please provide typical sections for impacted roadway segments resulting from this development.
(B-1A, NYSDOT (Schumaci))

Response No. 4-38

The typical sections would be provided to NYSDOT as part of the permit process.

Comment No. 4-39

Work zone traffic control plans are missing, please provide.
(B-1A, NYSDOT (Schumaci))

Response No. 4-39

The plans would be prepared during the NYSDOT permit process. The plans are based on NYSDOT specifications and standards to depict the work zone traffic control schemes and phasing to construct the proposed improvements by the Applicant. As such, the plans would be developed upon concurrence of the proposed improvement measures.

Comment No. 4-40

And I know I've asked you a couple of times about that one-mile rule, but my understanding based on that is that the large trucks won't be traveling on 312- - (Indiscernible.) They'll be isolated to that area because of that one-mile rule, is that correct, or - -
(B-2, PH #1, Mr. Cyprus)

I refer to the statement regarding large trucks are not legally allowed to take Route 312 East toward Route 22 one mile of Interstate-84. I spoke with Ms. Crocco and it was her I. understanding this was a current legality, not one that is proposed.
(B-124, Jane Cypher)

Response No. 4-40

Large trucks are currently permitted to travel along Route 312 to Route 6. Large trucks are not permitted to travel along Route 312 toward Route 22 beyond one mile from Interstate 84. These restrictions will not change with the Proposed Project.

Comment No. 4-41

My second comment is: I'd like to know if all four buildings are built, how many trucks can that facility accommodate? Not how many you expect at any one time. How many trucks can all four buildings total accommodate? I'd like to know that number.
(B-2, PH #1, Mr. Esposito)

Also, how many loading dock bays will there be here, and how many trucks?

How many - - how many are going to be coming in? How many are coming out?
(B-2, PH #1, Mr. Windolsky)

Response No. 4-41

The Applicant's Preferred Alternative reduces the project to two buildings. The loading docks and truck spaces are shown on the site plans. As noted on the Site Plans, Building A has 54 loading docks and 19 trailer parking spaces, and Building B has 87 loading docks and 123 trailer parking spaces. The projected 130 daily truck trips based on the local Gap and Matrix counts occur primarily during off-peak hours. The number of truck

trips are depicted in the tables contained in Appendix 4 of this FEIS and are based on traffic counts conducted at the Matrix and Gap facilities.

Comment No. 4-42

So I've been reading through your traffic report. So I see Barrett Road will be a dead end. Is it a dead-end route, or will it attach to an outlet? Okay. So is there any way that road, Barrett Road, could be made a public road, that you guys could apply to have that road made public? Okay. Because my concern is that Barrett Road, if this project is successful – you guys are incredibly busy that Barrett Road could be made public and connect out, and that wasn't addressed in the traffic report.
(B-2, PH #1, Ms. Woodgate)

Response No. 4-42

See Response No. 3-13 in the Land Use and Zoning Section of this FEIS regarding the dead end at the end of Barrett Road. The Applicant would not extend the road and has requested that the road become private.

Comment No. 4-43

So I would say that I would want to see more of a worst case scenario for traffic studies.
(B-2, PH #1, Mr. Cuomo)

Response No. 4-43

The worst case scenario has been provided in the DEIS and FEIS, including, as required by the Town, an analysis that superimposes the ITE 9th Edition warehouse land use 150 data for the peak hour of the generator (the greatest trip generation scenario) onto the peak hour volumes of the Route 312 intersections (Sensitivity Analysis 2023 Build), which would be considered the worst case scenario.

Comment No. 4-44

I also hear everybody talking about 18-wheelers and how it's going to stay on that side, but we're not talking about the straight trucks that are allowed to get off at Exit 18. And I know everybody says, No, they're not going to get off at 18. They're going to get off at 19. But according to GPS, it's going to get you off at 18. There was a article done by Lohud, June 23rd, talking about 588 bridge incidents in Westchester because truck - - they're just following GPS.
(B-2, PH #1, Ms. Russo)

More of the exit strategy to the site coming off of 84. I'm already a commuter and drive an hour into Westchester, and I can't imagine some additional traffic now coming off Exit 18 and having to get to Hunters Glen.
(B-2, PH #1, Ms. Carroll)

Response No. 4-44

Large trucks cannot physically or legally access the site from Fields Lane in Patterson via exit 18. The large trucks cannot access the site legally from exit 18 because the travel path from exit 18 is beyond 1 mile from Interstate 84 and there are no access highways for the trucks to access the site from this direction. The large trucks cannot physically access the development from exit 18 due to geometric roadway constraints along Fields Corner Road. To prevent truck traffic from getting to or leaving the site through Patterson, truck access to Fields Corner Road to/from Patterson would be restricted. The Applicant would abide by whatever means the Town prefers to implement this restriction.

Comment No. 4-45

I know you were kind enough to listen to me the last time about the ELD. The law is now 14 hours, maximum driving 11, and then they have to shut down for ten hours. Where they were

going to shut down, I don't know, because if they just make it there -- a lot of them are coming from the west. So if they just make the time, they can't move five feet without being fined by the DOT, because everything now is moving electronically.
(B-2, PH #1, Ms. Russo)

Response No. 4-45

Comment noted. As discussed in Response No. 3-10 of the Land Use and Zoning Section of this FEIS, as a matter of practice, warehouse/distribution centers never provide an overnight facility and truck drivers never sleep overnight in their trucks at warehouses/distribution centers. The Town intends to require as conditions of Special Permit and Site Plan Approval that no overnight facilities or overnight sleeping be permitted on the property.

Comment No. 4-46

So I don't know if there's been any type of a study that's been looked in at addition to the immediate traffic, but 500 additional trucks coming in and out is going to create impact on 84 and 684, more traffic on all the back roads down into Somers and whatnot.
(B-2, PH #1, Ms. Yara)

So what I think we need to understand is, worst case scenario, what happens when 84 backs up? Shouldn't be hard, because it happens all the time. Route 22, that has become the north/south corridor going north of Brewster. That road cannot handle any more traffic. And again, what's going to happen is people are going to go around it, and the local -- small local roads will get jammed up.
(B-2, PH #1, Ms. Yara)

Traffic jams during rush hour on I-84 and I-684.
(B-9, James Scomillio)

Common sense dictates, that a minimum 500 tractor trailers exiting off of exit 19 in an already busy intersection, regardless of road modifications, will completely shut down traffic as far back as 684 North and South at 84 West/East.
(B-10, Robert Coyle And Janet Coyle)

Also, I live on a road not far from 684. When there is backed-up traffic on 312 and 84, many people take back roads to get to 684; it dramatically increases traffic along and in front of my house.
(B-15, Helen Evers)

The proposed project may induce 510+ semi-trailer truck trips per day. Route 312 and the intersection with Route 84 is already heavily congested; as is Route 84 and Route 684.
(B-107, Twin Brooks Homeowners Association, Inc.)

However, the project will further congest the Rt. 312/Rt. 84 intersection and exacerbate the existing bottleneck conditions placing the public safety at further risk.
(B-163, James Bacon, Esq., P.C.)

COMMUNTING: 684, 312, 22, and 84 are already congested. Although many improvements have been made, commuters find traveling frustrating as it is. Add 53' tracker trainers to this would negatively contribute to this situation. While it has been said the trucks will be traveling only 1 mile on 312 to 84, and not use 312 to get to Rte 22 and 684, few believe the trucks will not seek alternate routes in order to go North and South.
(B-166, Stefani Gosselink)

<u>Response No. 4-46</u>

The projected daily truck volumes would not have a significant impact on the capacity of I-84. In addition, as indicated in previous responses, fewer trucks could be anticipated based on the surveys of similar local facilities than the number of trucks that were considered in the DEIS. Since I-84 has an interchange with I-684, there is no reason for

a truck to travel east on Route 312 to Route 22 rather than south to I-684. The projected 130 daily truck trips based on the local Gap and Matrix counts occur primarily during off-peak hours. The intersection capacity analyses demonstrate that turning movements associated with site generated traffic movements from and onto I-84 would operate well within the capacity of the lane groups. The potential traffic impacts of projects under SEQRA are based on typical conditions, and not for atypical conditions, such as traffic diversions resulting from accidents or other roadway incidents result in periodic delays on alternative area roadways. Large trucks with 53 foot trailers will not be allowed to divert to local roads in case of an incident to the one mile NYSDOT rule and the restrictions put in place as part of the Proposed Project.

Comment No. 4-47

My concern is with the traffic circle and all these added cars, 600 cars. They're going to realize that Fair Street is the back entrance to your development. How is that going to affect my way of life?

I mean, right now, it's an unpaved road. It's closed nine months out of the year, because there's no maintenance. Are you going to pave the rest of that road and make that an access road or what?

You know, I'm on the other side, and I don't need trucks going down Fair Street when school's in session in the morning. And at night, you can't get down Fair Street. It will take you a half an hour to go a half a mile. I don't need trucks, any more, on Fair Street.
(B-2, PH #1, Mr. Rund)

And if you go up Barrett Road over there, there is at least a few houses that will be severely, severely impacted.
(B-2, PH #1, Ms. Fanizzi)

Supervisor Williams, in January, wrote a letter, admitting - - admitting there were traffic problems and that he did not want his residential community which abuts on Pugsley it divides

Southeast and Patterson. He did not want to jeopardize the homes that were recently built that I'm sure went for 500 - to $600,000.
(B-2, PH #1, Ms. Fanizzi)

And no mention (Indiscernible) - - that you were talking about closing Fields Corner there to try and prevent the Fair Street side being impacted.
(B-2, PH #1, Ms. Russo)

And yeah, from the Patterson side, there's - - you know, I hate to say it like this, but there's really no benefit to us over there, except additional traffic. And I know you're going to work on addressing that, but we'd like to hear how you're going to address it.
(B-2, PH #1, Ms. Russo)

Second concern is the traffic down Fair Street. We have a school across the street from Twin Brook. We can't even get out of our development now.
(B-2, PH #1, Ms. Pentavelli)

There the end of the Fields Corner Road connects to Fair Street – I think I mentioned this probably before. As the conditional use, would you be willing to put a gate there?

Because I actually spoke to the fire department. They said if there was a gate and they had the locks – the keys to the fire locks or even they could cut it if they had to rush in there. I just think it would be a better method than having to rely on truck drivers to not go out to Fair Street.
(B-3, PH #2, Mr. Hecht)

You know, we're the road that you would go through if you came across Pugsley, Barrett, and then Fields Corner. So we were relieved that there's talk of a gate.
(B-3, PH #2, Ms. Watkins)

The comments with regards to Fields Corners Road and the exit access onto Fair Street needs to be dealt with. Even if the trucks somehow manage to only go on to 312, once that road is developed, there will be so much traffic moving parallel between those two roads onto Fair Street, where there is a school.
(B-3, PH #2, Ms. Yara)

Built a home a mile down the road off of Fields Corner Road. The same road that runs from Pugsley Road. The same area that will again be affected by this awful proposition. Noise, definitely. Fumes and polluted air, absolutely. Traffic, horrendous. Our kids and others that share a bus stop at this area, completely unsafe now with the amount of traffic and large trailers. We don't live in an area that should have to succumb to this kind of traffic by tracter trailers.
(B-36, Amanda Scalzitti)

Close off the entry I exit to Fields Comer Road to ensure no trucks can enter Fair Street.
(B-107, Twin Brooks Homeowners Association, Inc.)

The gate at Fields Lane – I'm not in favor of a gate blocking off the road. I have no objection to restricting commercial traffic into Patterson, but I think blocking that road off for residential use coming down to 312 not necessary.
(B-145, Mr. Gress)

I don't agree that we should leave that back road open to Fair Street. I think that should have a fire gate. Fire departments could cut the locks at any time if they have to get through. I'm not putting my confidence in truck drivers that they're not going to sneak out the back.
(B-145, Hearing No. 3 (Mr. Hecht))

PUGSLEY ROAD:

It is imperative to keep Pugsley Road open.

If the applicant wants to close Pugsley they need to determine the following:

5) *How much will a gate delay emergency access?*

6) *What entities will have gate keys or access to the Knox Boxes to open the gate?*

7) *Will there still be turnarounds on both sides of the gate? While the DEIS shows both Patterson and Southeast with turnarounds this was unclear at the last Planning Board meeting.*

8) *Will these turnarounds be large enough to accommodate oversized tractor trailers?*

9) *When a downed tree, power line or a bad accident blocks Route 312 will the proposed gate be opened? Who will have the authority to open it? Can this be done expeditiously?*

10) *Can a strong curve to the right from the warehouses dissuade large truck traffic from making a left on Pugsley Road?*

(B-147, Lynne Eckardt)

In many of the meetings, the concern of traffic on Fair Street was raised. I am friends with the family who lost their child from a hit and run on Fair Street many years ago. The scares from losing a child was very traumatic and unimaginable. The family remembers their son/brother every day. The little boy never made it to school age when he was killed. What precautions are we putting in place to make sure the influx of traffic from residents who are going to use back roads to get to work instead of the highway or residents who are going to use back roads to stay away from the traffic from the entrance/exit of the logistics center?

(B-156, Patricia Ann Yara)

They can tell the truck drivers not to go left. In the end they are going to do whatever they want and it probably going to be what ever easiest.
(B-171 Stefani Gosselink (Brendan Harris))

I agree with Brendan, the drivers will end up going wherever they want to go.
(B-171 Stefani Gosselink (Larry Martinez))

Response No. 4-47

Commercial truck traffic would be prohibited along Fields Lane and Fields Corner Road and the Applicant is willing to install hight restrictor bars as currently desired by the Town. See Response No. 4-24 regarding access by emergency vehicles, and Response No. 4-44 regarding trucks not being able to physically or legally use Exit 18 of Interstate 84 to access the site.

Comment No. 4-47B

You did your study on the first page of your DEIS here with the times when the schools were in session. However, being a school bus driver, I know that there's buses going there before 4:00 in the afternoon. We go to pick up kids at 2:00, so we're moving up and down 312. We also - - you have it from 7 to 9. Well, we have to get to school about 6. So there's a lot of traffic before the 7 to 9 and before the 4 to 6. And that's about it.
(B-2, PH #1, Mr. Windolsky)

It was 250 trucks in and out between the hours of 10 a.m. and 3 p.m.? At this facility.

The only issue there is schools are out by 2, 2:15.

So that's a little bit of a problem.
(B-3, PH #2, Mr. Hecht)

The safety of children and adults on buses.
(B-3, PH #2, Mr. Catalino)

All of the Brewster schools are on or off of Route 312. Our children's safety could be at risk with all of these trucks on the road. What are you planning for their safety? Does the school system know about this project?
(B-8, Amanda DeHaan)

Dangerous affect it will have on our Carmel and Brewster School Districts. Delay of school buses and the possible of school bus accidents.
(B-9, James Scomillio)

Consideration that there are all Brewster schools that use Route 312 several times a day.
(B-16, Janet Kern)

How will school busses get to and from all the Brewster schools, several times a day safely.
(B-16, Kenneth Kern)

We have numerous schools in the area which would be greatly impacted by the estimated 550 trucks bearing down on the community.
(B-28, Anthony Capizzi)

Our biggest concern as newly married people is that if we choose to expand our family, our children will be traveling an unsafe route to school on a daily basis. Route 312 will become more like an expressway rather than a town road putting all drivers at risk.
(B-42, Laura Signorile-Smith)

School buses go up and down on that road.
(B-71, Nancy Santini)

Schools also need to be notified so they can provide input as to how this facility would affect their bus routes and schedules. With an entire school campus on Rte 312, this would also be a huge impact.
(B-79, Susan Tullipano & Ken Tullipano)

Our children travel on the busy 312 corridor to get to and from school. Good luck getting to school on time with 500 semis and employees pulling in and out of Pugsley.
(B-85, Christine Capuano)

Impediment to school buses.
(B-88, Eugene J. Duffy, Jr.)

The safe transport of children back and forth to our schools.
(B-103, Donna Shenkman)

School buses go up and down route 312.
(B-113, Nancy Santini)

It will take much longer to get from the Brewster schools to the far end of 312 due to the additional traffic. Kids are already on a bus for 45 minutes from Hunters Glen to the schools. This will extend their time on the bus.
(B-116, Barbara Ciero)

In addition, the traffic would also affect school buses that must go through the area to bring students to school and to their homes. We are always talking how children are our future most important asset. How are we showing this when the school bus rides take twice as long because of the traffic jams?
(B-129, Frank Billack)

The safety of our children travelling on Route 312 to Brewster schools with a roundabout and tractor trailers is also jeopardized.
(B-134, Jon Scalzitti)

Safety of children (& adults) on buses and in cars on RT 312 & Fair Street + adjoining roads.
(B-138, Michael Catalano)

Or the extra traffic along what is a bus route for my daughter's school and other schools.
(B-139, Tonia Olsoe-Rubeo)

Has anybody done research as to how this will affect our school children going to and from school?
(B-140, Christine Capuano)

SCHOOL BUSES will have to accommodate for these delays and added traffic conditions. The estimate is for 24 hours per day. Changing times for schools in order to plan around truck-traffic would not make a difference. As a result, school children would have to wake earlier and get home later to accommodate traffic situations.
(B-166, Stefani Gosselink)

The traffic will cause me to come home late from school, taking time out of my afternoon.
(B-170, Vanessa Mazzei)

Caught in traffic every day, full of young children sucking in the pollution of diesel fumes let out by the 500 trucks that are predicted to travel the roads each and every day!
(B-179, Alice Brandon)

Trucks will proceed out towards Fields Corners Road and out to Exit 18 if that roadway is not blocked. Additionally, even if you "prohibit" commercial traffic from exiting out that way, if you allow residential traffic on a road that was previously almost impassible, it will have major

impact to Fair Street traffic – up into Patterson (Route 311) and down towards Twinbrook, the middle school, and Hunters Glen. We already require a town Sheriff to direct traffic every morning – additional traffic will be dangerous for school children and those of us that need to turn out of our driveway to commute to work each day.
(B-135, Alison Yara)

Response No. 4-47B

The traffic analyses were conducted during the busiest hours along Route 312 based on the TIS scope and the volumes counted at the Route 312/Pugsley Road intersection for the traffic signal warrant analysis provide the hourly comparison, which are included in Appendix 4 of this FEIS. The proposed roadway improvements, discussed in Response No. 4-7, would mitigate the project traffic and generally improve operations during most hours. These improvements would specifically improve the flow of school related traffic, including reducing queuing of eastbound traffic, including school related cars and buses, which would otherwise occur, by providing a separate lane for vehicles turning left onto the I-84 eastbound ramp, which processes the largest percentage of the anticipated site generated volumes.

Comment No. 4-48

Hearing about the traffic, we - - we have, if I'm not mistaken, on 312, a fire - - a fire engine station also. I'm sure that's going to impact getting out of that fire station to deal with whatever fires might happen.
(B-2, PH #1, Mr. Wasserman)

And then the only other thing is I was on the phone with Chief Moe De Santis. I'm also a member of Brewster. He had called me, actually, with some pretty big concerns, that he was unaware of the number of tractor trailers that were going to go up 312 – up and down 312. And he has got some deep concerns about the ambulances, firetrucks, school buses, and trucks. So we may want to regroup with Moe, because he had no idea. That's all I have.

(B-3, PH #2, Mr. Hecht)

Affecting of Emergency Vehicles, EMS, Fire, Police at the intersection. Traffic tie ups.
(B-9, James Scomillio)

And - the fire house is also Located on 312.
(B-16, Janet Kern)

Please consider how the possibility of approximately 500 trucks daily and many people who will work at the logistic center will effect the schools, firehouse, doctors offices and the hospital.
(B-16, Kenneth Kern)

Inordinate amount of traffic; will affect school buses, ambulances, etc.
(B-48, Charles DiDonato & Marie DoDonato)

And fire equipment needs to respond to a fire, this added traffic will delay urgent responses.
(B-79, Susan Tullipano & Ken Tullipano)

(With trucks coming and going on our 2 lane roads affecting our) fire departments.
(B-83, Carol Yannarell-Duffy)

I am also worried about fire trucks and other emergency services being affected by all the additional traffic.
(B-84, Rita LaBella)

(Impediment to) emergency equipment.
(B-88, Eugene J. Duffy, Jr.)

(Trucks and cars entering and exiting the facility impacting) Emergency/Fire
(B-93, Unknown)

It will also worsen response time in emergency situations.
(B-119, Janis Yamuder)

How will our emergency responders be able to safely respond to emergency situations in this area with this astronomical increase in traffic?
(B-134, Jon Scalzitti)

I'd also like to understand, has the fire department commented on this to the level of our safety concerns here? Is there special equipment needed? I really didn't see anything. Maybe I missed it. My apologies. But didn't get a good, you know, feedback from our first responders, police. Okay. I need to understand that. That's key, because a lot of the comments we're here for is the health and safety issues. Okay. So we need to revisit that.
(B-145, Hearing No. 3 (Mr. LaPerch))

EMERGENCY VEHICLES, such as fire, ambulances, and police would find getting to their destinations much more difficult.
(B-166, Stefani Gosselink)

A professional firefighter spoke convincingly from his own experience about the effect of additional congestion on Route 312 and Pugsley Rd on the ability of emergency personnel to respond in event of emergency.
(B-172, David Buckner)

With trucks coming and going on our 2 lane roads affecting our strained police force.
(B-83, Carol Yannarell-Duffy)

<u>Response No. 4-48</u>

The Applicant has met with the fire department Chief (no meeting minutes were prepared) who was in favor of the Applicant's proposed improvement to develop Route 312 into a four lane road between I-84 and Pugsley Road. The four lane section would

mitigate the site traffic along Route 312 and would improve emergency responses along the roadway by providing a second lane for vehicles to pull over into. In addition, by providing a separate lane for vehicles desiring to turn left onto the I-84 eastbound ramp, which processes the largest percentage of the anticipated site generated volumes, queuing of eastbound traffic would be reduced, including school related cars and buses.. The fire department did not express a need for additional equipment and provided an email included in Appendix 4 of this FEIS that it will not be providing comments on the Proposed Project. As described in the Utilities section of this FEIS, the buildings would be constructed with a state of the art fire suppression system that would utilize high volume high pressure fixtures, which are dramatically superior to typical building sprinkler systems.

Comment No. 4-49

And also, I didn't hear anything about Prospect Hill Road, where they're building the new bridge. The impact on that road, once that bridge is done, I mean, it's going to be a crazy shortcut, and there's going to be a hundred times more traffic probably on that road.
(B-2, PH #1, Ms. McCarthy)

Response No. 4-49

The Applicant conducted additional counts during peak hours on school days at the Route 312/Prospect Hill Road intersection subsequent to the reconstruction of the Prospect Hill Road Bridge. The recent counts indicate that the actual diverted/rerouted traffic volumes associated with the bridge reopening are substantially less than the diverted volumes projected in the DEIS based on volumes collected prior to the closing of the bridge.

<u>Comment No. 4-50</u>

And who's going to keep repairing the roads that they put these big grooves in? Every time they stop short, big grooves go in the road, which is going to affect it when it rains and when it snows as well. So who's going to constantly fix those roads and make sure that they're flat?
(B-2, PH #1, Ms. Gallo)

My concern that I found out today is that Pugsley Road, while it is going to be massively improved and cost a lot of money for the developer, the town will be left with the maintenance on this, and - - which is normal. There - - that's completely normal. But I am concerned because - - and they are building it above the town specs, so I will tell you that as well. But I am concerned, because I know that heavy truck traffic really tears up roads. So that is a concern for me as a councilwoman and as a property owner as far as increased taxes. And the roundabout will be eventually owned by New York State. So while that's really trickle-down, I

think we will be responsible for maintenance of that. Not the town. That is a state road, 312.
(B-3, PH #2, Ms. Eckhardt)

Damage to our roads.
(B-9, James Scomillio)

As I understand it, it is a 1.1 million square feet warehouse. That includes an estimate of 510 tractor trailer trucks a day, with an increase of over 1000 passenger cars. This put a lot of wear on the roads.
(B-20, Michele Carlson)

Extra wear & tear on our roads, the I-84 overpass for example, seems like an abnormal amount of weight to withstand daily?
(B-29, Gina Occhigrossi)

Residents will then be left with the costs of maintaining and resurfacing these same town roads.
(B-44, John Riley)

The upkeep to our local, residential roads would be monumental.
(B-134, Jon Scalzitti)

I would also expect much faster deterioration of the roadway and impacts to the Rt. 84 overpass.
(B-135, Alison Yara)

And has a study been done as to the effect of 500 heavy trucks going in and out daily 25/7 on our roads? Will we be repairing them every two years or sooner?
(B-140, Christine Capuano)

I suggest you have a cost expenditure share in the maintenance of Pugsley Rd. Since this road is not currently maintained by the town in the winter months and isn't paved, this will eventually become a financial burden on the town that would offset town tax revenues. With all the large trucks on the road, it's reasonable to estimate this road will have a shorter lifespan.
(B-158, Eric Larca)

I also oppose the additional wear and tear on our local roads!!!! They are in terrible shape already!
(B-178, Catherine Harrington)

<u>Response No. 4-50</u>

Pugsley Road would be reconstructed by the Applicant to accommodate trucks as well as passenger vehicles and the pavement section would be substantially thicker than the standard Town pavement section. Thus, the roadway would not have a shorter lifespan as compared to the typical town road pavement section. The Applicant undertook the assessment of the specific pavement section which should be provided for the roadway

based on the existing soil conditions to ensure that the roadway would accommodate the future project generated traffic without undue wear and tear of the roadway and associated maintenance. The cost of all construction improvements would be borne by the Applicant. As noted in Response 10-14, the project would generate a substantial increase in property taxes, which can be used for items such as road maintenance. Virtually no roadway maintenance is anticipated to be needed other than plowing for many years after the road is reconstructed.

Comment No. 4-51

Also, as far as traffic counts, I want to make sure that the senior housing that's approved at Terravest, where there's 60 senior houses with- - that are three bedrooms, that that was taken into consideration, because that was approved.

There was 123-room hotel, the Staybridge, that was approved in 2007 in Carmel. It is on Route 6. Also 137 approved units of senior housing that was called Gateway Summit, and I don't know where that stands, but it's only probably - - it's near Putnam Plaza.
(B-2, PH #1, Ms. Eckhardt)

Below please find an Putnam County EDC promotion for the 123 room approved hotel on Route 6 (east of Putnam Plaza) in the Town of Carmel. I had mentioned this during a NIL Public Hearing but wasn't sure how active the site was, thus I wanted you to be aware of this recent marketing I received this morning (7/25/18)

In addition, there is talk of turning this hotel project into an Assisted Living/Memory Care Center (124 resident facility)- in fact, a variance for this change of use was approved on 10/11/17. I assume that this means it can be either a 123 unit hotel or a 124 unit assisted care facility. In either case, there will be additional traffic. I'm sure that these traffic studies are available through the Carmel Planning Board. I think I mentioned the number of approved houses at 'Gateway Summit' which is another aspect of this development. On 10/14/15 the Carmel Planning Board granted approval extensions to 'Gateway Summit' 55.-2-24.6-1 and 55.-2-

24.6-2 (150 units senior housing) and 'The Fairways' 55.--2-24.8-1 and 5.-2-24.8-2 (150 units of senior housing). A total of 300 units of approved senior housing. I believe that there was also to be some retail and office space with Gateway Summit so this should be explored a well.

In short, about one mile from the Route 312/Route 6 junction here are possibly 300 units of approved senior housing (including some retail and office space) plus a 123 room hotel (or 124 room assisted living facility) also approved. I know that traffic studies have been done for all three facilities (although they are probably somewhat dated) and I believe that, if they haven't already, these projects need to be considered by the Northeast Intestate Logistics and AKRF traffic engineers.
(B-13, Lynne Eckardt)

Terravest Senior Housing:
As far as traffic counts; was consideration given to the Senior Housing at Terravest where there will be 60 3-Bedroom Houses? If not, these traffic counts should be included in the FEIS.
(B-147, Lynne Eckardt)

Hotel/Senior Housing, Carmel Route 6:
There was an approved 123 room hotel (2007- Staybridge) as well as 137 approved units of senior housing, retail and office space along Route 6 just east of Putnam Plaza. Were these projects considered in traffic studies? If not, these should be included in the FEIS.
(B-147, Lynne Eckardt)

<u>Response No. 4-51</u>

Additional area projects have been included in the revised No Build analyses. See Response 4-7 regarding other approved development included in the revised No Build Analysis. The proposed 144 bed assisted living facility replaces a previously proposed Staybridge Hotel.

Comment No. 4-52

It's like, well, we're having all these tractor trailers leave, and if there's more, four or five that are leaving the facility at a specific point, it's going to back traffic up.
(B-2, PH #1, Ms. Woodgate)

Response No. 4-52

Truck traffic is included in the analyses. Truck traffic distribution is based on traffic counts conducted at the existing Matrix and Gap facilities. The roadway and intersection improvements have been designed and analyzed based on coordinated reviews by NYSDOT and the Town Planning Consultant and would accommodate the projected traffic volumes during the peak hours of the area intersections.

Comment No. 4-52B

The other thing that I think was difficult for the public and I think could be made clearer is how many passenger cars a day. I know they're all at different times, and I understand that. But I think I had called the town planner and we discussed this, and there is a range of car - - vehicles per day by - - done by square footage of between 1900 and 4,000 - - 4300. So I think - - I think the public deserves a very clear answer on that, as clear as the applicant can give us.
(B-2, PH #1, Ms. Eckhardt)

Response No. 4-52B

The Applicant projects approximately 1,520 total trips (including entering and exiting) per day based on ITE 10th Edition land use code 150 (warehouse). The total trips reflect the anticipated 3 work shifts as well as truck and passenger vehicle traffic.

Comment No. 4-53

And then you're saying going through you know, trucks going back around the reservoir towards Mahopac too.
(B-2, PH #1, Mr. Bisio)

Response No. 4-53

A small percentage of local trucks, approximately 10 percent of the Proposed Project generated truck trips equating to 13 truck trips per weekday for the entire day, can be expected to use Route 6 as they do today, which has been included in the FEIS analysis.

Comment No. 4-54

I drive that road during the school year sometimes 12 times in a day, a dozen times. I've taken to going through the village. And the village – the people from the village should know. This is going to impact them greatly, because no one's going on 312 they're going to have to go through the village now. There will be no other way to go.
(B-2, PH #1, Mr. Cuomo)

Our local roads will be impacted. We will have more and more traffic, more than just 312.
(B-2, PH #1, Mr. Gosselink)

Who - - can you promise me your driver not going to go right to 84, but decide to go down to Route 312, to Route 6, and then goes through the village to get to cross into 684 and pass all the traffic?

Those trucks goes through what the name of the – near Salinger. They go over there. They're trying to avoid the traffic on 684 so they can get to Exit 8 and avoid Exit 10.

So my concern is the trucks going through the village, going through Croton Fall, going down to Exit 8.
(B-3, PH #2, Ms. Yekutiel)

Trailers going through the Towns of Carmel and Brewster on Route 6. (Just 2 lane Roads)
(B-9, James Scomillio)

510 truck trips a day (one every three minutes) plus passenger car counts that have yet to be determined, do not bode well for our secondary roads. Residents will be forced to use these back roads to avoid delays on both Route 312 and Route 6.
(B-44, John Riley)

There is already major traffic congestion in our areas during peak times, such as morning/evening rush hours and Holidays, and this would create a nightmare up/down 184 & 1684. Do you know what happens when there is traffic on these major roads? Cars, AND TRUCKS, tend to find other ways to get to their destinations, including roads they should not

be using, impacting ALL the communities surrounding the area.
(B-52, Lawrence Martinez)

How about Carmel? It's already a nightmare to get to Carmel, so, with the increased traffic and trucks, people would just basically avoid going there at all, putting all those businesses, located there, in jeopardy.
(B-52, Lawrence Martinez)

Please realize that there will be other implications for the roads in Southeast if permission to build the Logistics Center is given. Truck drivers will certainly not always follow the short and easy route from I-84 to route 312 to Pugsley Road. They will not be familiar with the traffic routes that we know so well. Truck traffic on route 22 will probably increase as truckers take 684 to route 22 to route 312, or take route 6 from somewhere west of Southeast to route

312 to Pugsley Road. Other routes that trucks might take to arrive at their destination cannot be predicted.
(B-59, David Simington)

Trucks will definitely go the path of least resistance and roll into Carmel, then Brewster, on their way to 22 to pick up 684 when traffic is bad.
(B-111, Jeff Rusinko)

It is the main road to the center of town and surrounding communities. This will be a complete disaster for all our towns-Southeast, Brewster, Carmel, Kent, Patterson, Mahopac and beyond.
(B-113, Nancy Santini)

Exposing residents of Southeast and its neighbors in Carmel, Patterson and Kent to the daily rigors imperiling life and limb of congested roads shared with vehicles, vans, school buses, trucks from Terrevest and Brewster Highlands industrial and retail areas and now semitrailers.
(B-117, Ann Fanizzi)

I am deeply concerned about the significant impact on traffic that would arise as a result of 510 semi-trailer truck trips per day as well as over 600 employees commuting to work. The area around Route 312 is already congested. Efforts to avoid this area would result in the further congestion of our village roads.
(B-173, Beth Mazzei)

<u>Response No. 4-54</u>

Truck traffic would primarily utilize I-84 and large trucks are not permitted on smaller local roads. Large trucks are limited legally by which roads they are allowed to travel on.

Comment No. 4-55

But I use Pugsley Road at times to go to Hunters Glen. Now, why do I do that? Because I'm not going to sit there idling on Route 312, and I would rather go through an unimproved road rather than just sit there and stew, you know. So between - - between hours of 2 and 7:00, and I can tell you those are the hours. And I was very interested in the hours that you put down in your report.
(B-2, PH #1, Ms. Fanizzi)

Response No. 4-55

Additional roadway capacity would be provided along NY 312 via the proposed additional lanes to be constructed by the Applicant. The area intersections were analyzed based on the volumes on the roadway during the peak weekday AM and PM hours, as well as the peak Saturday midday hour. See Response 4-7.

Comment No. 4-56

The other thing is the Gap had nothing -- Gap one had nothing between 10 a.m. and 3 p.m. That was just not included or - -
(B-3, PH #2, Mr. Hecht)

Response No. 4-56

Additional truck trips counted at the Gap are included in the FEIS Appendix 4, which include 24 hour data collected at the Gap and Matrix facilities

Comment No. 4-57

Now, let's address traffic on the already-clogged Route 312 during busy times.

And who will want to go to Kohl's to shop when it would take the same amount of time to go to the Danbury Mall with cheaper sales tax?
(B-3, PH #2, Ms. Croft)

Now let's address traffic on the already clogged Rt 312 during busy times. And who will want to go to Kohl's to shop when it would take the same amount of time to go to the Danbury Mall with cheaper sales tax.
(B-35, Christine Capuano)

Response No. 4-57

Substantial intersection, roadway and traffic control improvements are proposed by the Applicant, NYSDOT and the Crossroads 312 development, and the Applicant would widen Route 312 to provide four lanes between Pugsley Road and the I-84 Eastbound Ramps/Independent Way intersection. The Applicant will not be providing the improvements proposed for the Crossroads project, other than those specifically discussed in the DEIS and FEIS, such as the Independent Way lane use and signal timing modifications at the Route 312/I-84 Eastbound Ramps/ Independent Way intersection.ee Response No. 4-7 for additional information related to improvements along Route 312

Comment No. 4-58

In addition to the visual impacts, obviously, there's - - many people have discussed about the traffic impacts by the high number of trucks that will be traveling to and from this facility on a daily basis, over 500 trucks.
(B-3, PH #2, Mr. Kenny)

The probability of 500 trucks a day on route 312 and 650 employees going to and coming from work --- will create mega traffic problems.
(B-16, Janet Kern)

500 trucks a day will create tremendous traffic congestion.
(B-19, Gail Ramolla)

The idea of having 500 trailer trucks on 312 and 6 per day is overwhelming.
(B-25, Patricia Toback)

An estimated 500 semi trucks each day, along with countless passenger cars turning off Rte 312 onto Puglsey Road, is a nightmare. The access to Rte 84 and the Highland Shopping Center will be severely impaired.
(B-26, Janet Keyes)

Bringing +/- 510 trailers measuring 53 feet and 900 employee cars along route 312. That is approximately one truck every 2-3 minutes on a road that is already congested.
(B-53, Marie DiDonato)

Making sure I am getting my numbers right. There are 510 oversized trucks with 53 feet trailers expected to come off I84 etcetera, the calculation is 1 every 3 minutes or so. Am I correct in assuming we should multiply this number by two since they have to go back on this road as well? How many smaller trucks will be involved? We are only talking about the lager trucks but the smaller trucks and employee cars will have an impact too.
(B-54, Jackie Kaddatz)

Over 500 Tractor-Trailer Trucks Plus 660 Cars Entering And Exiting Facility 24/7.
(B-93, Unknown)

500 Plus other vehicles on the road will increase to 1,100 vehicles every day.
(B-99, Pablo Diaz)

There will be huge trucks barreling through.
(B-114, Juliet Aguiar)

If this new development is approved, there will be constant truck traffic from the 500 plus trucks PER DAY.
(B-116, Barbara Ciero)

The amount of trucks in & out daily 510 is the number we heard will only impact the all ready packed roadways.
(B-128, Patricia G.)

LIVING WITH TRUCKS is a concern. Trucks of this size are not cars. They start slowly when they are stopped at lights or intersections. They also do not turn easily. Our calculations reveal 550 trucks in 24 hours to be 1 truck every 3 minutes. In the best scenerio, an image of several trucks (1 every 3 minutes) at the intersection of 84 and 312 (Home Depot) will further disrupt the already congested situation there. Added to this, the winding sections of 312 and 22 to go North or South to 684, will choke movement in all directions.
(B-166, Stefani Gosselink)

550 TRUCKS PER DAY. The above comments assume 550 is evenly distributed over a 24 hour period. However, if night truck-traffic is lighter than day truck-traffic, the negative conditions above would only be increased.
(B-166, Stefani Gosselink)

How many trucks, and where on 312 will they be?

Response No. 4-58

As indicated in previous responses, fewer than 510 daily trips are anticipated based on local count data, and many of the trucks would be box trucks rather than tractor trailers. Based on truck volume counts conducted at the Gap and Matrix facilities, approximately 130 daily truck trips could be anticipated for the proposed facility. Approximately 60 percent of those can be expected to be tractor trailer trips based on local data at the Gap and Matrix facilities. The Applicant is proposing mitigation measures that would ensure that project related impacts associated with the estimated 510 trips in the DEIS have been identified and satisfactorily mitigated, including, but not limited to, the construction of one additional lane in each direction along a portion of Route 312 to accommodate the traffic generated by the project, which would also benefit others traveling along the roadway.

Comment No. 4-59

We already face traffic and congestion problems that grow with each day.
(B-3, PH #2, Mr. Catalino)

Response No. 4-59

Substantial intersection, roadway and traffic control improvements are proposed by the Applicant, NYSDOT and the Crossroads 312 development, and the Applicant would widen Route 312 to provide four lanes between Pugsley Road and the I-84 Eastbound Ramps/Independent Way intersection.

See Response No. 4-7 for additional information.

Comment No. 4-60

Negative impacts … in cars on Route 312 and Fair Street, plus all of the numerous adjoining roads.
(B-3, PH #2, Mr. Catalino)

Response No. 4-60

The additional intersections in Patterson have been analyzed and summarized on Tables 4-18 through 4-23. The project would not have a significant impact on any of the referenced intersections in Patterson.

Comment No. 4-61

Another thing is emergency medical services. If a person really needs to get to a hospital, and the only way they can do it is through 312, what type of an impact is that going to have?
(B-2, PH #1, Mr. Wasserman)

The effect on EMS vehicles on main access routes to Putnam Hospital via Stoneleigh Avenue.
(B-3, PH #2, Mr. Catalino)

I think about the urgent care location of CareMount right here on 312. And if you have an emergency, and you need to get to three - - to the urgent care, and there are trucks out there in your way and traffic jams because of it, how do you get there in time? It's hard enough to get there in time now. If you have to get to Putnam Hospital, and there are - - and you have an accident on 312 - - I mean on 84, and you have to come down 312, how do you get to the hospital in time? How does the EMS, EMTs get to you in time?
(B-3, PH #2, Ms. Newman)

Affect to Putnam Hospital and roads leading to the Hospital.
(B-9, James Scomillio)

How about a person who is near death be transported to the doctors offices on 312 or the hospital quickly.
(B-16, Kenneth Kern)

This will do "wonders" for the Claremont medical facility!!
(B-23, Joseph Distefano)

Not to mention emergency service vehicles.
(B-28, Anthony Capizzi)

How about Caremount Medical Group? You will be impacting the ability for many people to reach this facility, which impacts people's health. If it becomes too difficult for patients to get there to see their doctors, they will need to seek alternatives.
(B-52, Lawrence Martinez)

The congestion will delay emergency personnel as they try to reach the Kohl's shopping center, the complex of government and non-government buildings, and the houses on Prospect Hill Road. Additionally, emergency personnel will be delayed as they try to reach Putnam Hospital, or any emergency on I-84.
(B-59, David Simington)

Route 312 is main road to hospital – Urgent Care center is right there.
(B-71, Nancy Santini)

If you need to go to the Caremount Medical Offices on Rte 312 for appointments, or to the Emergency Care office, it is already very difficult to exit that facility onto Route 312. To add all this additional traffic would make it impossible to do so.
(B-79, Susan Tullipano & Ken Tullipano)

If an accident occurs on local roads or on I84 and ambulances need to get to the Putnam Hospital.
(B-79, Susan Tullipano & Ken Tullipano)

I want you all to take a moment and picture someone's loved one in the back of one of those ambulances, their life in the balance, stuck on the wrong side of one of the bridges or railroad crossing, unable to get by the stalled traffic. Or the EMS crews having to go a much longer route to circumvent the area.
(B-80, Keith Napolitano & Silvana Napolitano)

As well as going to my doctors' offices at Caremount Medical on Route 312. It is already impossible to exit that facility under the best of conditions. To add all this traffic onto Route 312 will make it impossible to get to/from appointments and shopping areas.
(B-84, Rita LaBella)

How long will it take for an ambulance to reach my home if they are stuck behind tractor-trailer trucks?
(B-84, Rita LaBella)

Our doctors and Urgent Care offices are also located on this route. Urgent Care wont be so Urgent by the time one arrives.
(B-85, Christine Capuano)

Ambulance delay
(B-93, Unknown)

Trucks will travel most from Pugsley Road to Route 6 and West Toward Carmel which is the emergency route to the hospital.
(B-99, Pablo Diaz)

Access for emergency vehicles (should be the primary concern of the Planning Board).
(B-103, Donna Shenkman)

Route 312 is a main road to the hospital. Urgent Care Center and medical building is right across from Pugsley road.
(B-113, Nancy Santini)

And the challenge of attempting the gauntlet traversing Rte 312 lanes from Caremount medical west to Rte 6. And their remedy, a roundabout, traffic lights and widening only exacerbating the problem. In an era when we are blessed with technological advances, many of which depend on timeliness of treatment, i.e. heart attack victims must receive treatment within 6 minutes and stroke victims without three hours or automobile accident victims needing immediate transport, emergency medical personal will encounter the barrier of 24/7, 510 semitrailers utilizing the same road leading to hospital or trauma centers here in Putnam, Westchester or Danbury.
(B-117, Ann Fanizzi)

[Route 312 congestion] will inhibit the mobility of emergency vehicles.
(B-118, Cherie Ingraham)

We do not want to compete with 510 semitrailers and the additional vehicles that are necessary for this mega business facility using the same roads that lead to hospital or trauma centers in Putnam, Westchester and Danbury when the lives of heart attack, asthma or stroke victims are at stake and time is of the essence.
(B-123, Jane DelBianco, Esq.)

What is going to happen when emergency vehicles have to get to the hospital quickly when there is a traffic jam?
(B-129, Frank Billack)

EMS vehicles on main access routes to Putnam Hospital via Stoneleigh Ave.
(B-138, Michael Catalano)

For years the exit from CareMount Medical (aka Mt. Kisco Medical) has been difficult. It will be very unsafe to even attempt a left hand turn from the site. Please remember that the Urgent Care unit is located there and a necessity for the community.
(B-143, Susan Rebentisch)

But by widening those two lanes going from Pugsley back to 84 now, how are you going to address cars coming in and out of that glass building at Mount Kisco Medical? Because now they're going to be dumped on to two lanes of traffic, and they're just – I don't know how that's going to work, because it's almost impossible to get out of there any time of the day in one lane of traffic. I don't know if that's just something that – I know you widened it, but I'm thinking address how that impacts Mount Kisco Medical Group. They do have that driveway out.
(B-145, Hearing No. 3 (Mr. Hecht))

And the difficulties patients trying to reach CareMount or AON will encounter.
(B-153, Mary Schwartz)

(Unintended consequences of the project, namely) Caremount reaction (urgent care).
(B-154, Carlos Passi)

MEDICAL FACULTIES: The CareMount medical building is right at the Highlands intersection. People in need of emergency care, or even simple medical needs already find this intersection to be a problem. As stated above, added truck traffic would increase the difficultly of people getting to their destinations for their medical needs.
(B-166, Stefani Gosselink)

How long will it take us to go to Caremount to see our doctors off Rt 312?
(B-174, Christine Capuano)

Many people using the urgent care facility may be anxious or distracted. Making the turn into or out of Caremount's building can be risky at best, due to the current amount of traffic and sight lines.
(B-178, Catherine Harrington)

Has anybody ever - - now, I did it today - - tried to get out of CareMount Medical? It was 11:00. I live at Hunters Glen. I turned tried to turn left, and it took forever. So if there are trucks coming, I will still not be able to - - even more not be able to.
(B-3, PH #2, Ms. Kaddatz)

Response No. 4-61

The proposed improvements along Route 312 described in Response 4-7 would facilitate emergency responses. This includes the proposed four lane section of Route 312 as discussed with the Southeast Fire Chief which would improve emergency responses along the roadway by providing a second lane for vehicles to pull over into and by effectively reducing queuing of eastbound traffic, including school related cars and buses, by providing a separate lane for vehicles desiring to turn left onto the I-84 eastbound ramp, which processes the largest percentage of the anticipated site generated volumes.

Intersection operations at the intersection of Route 312 and the Caremount driveway are projected to improve with the proposed additional lanes to be constructed by the Applicant by reducing queuing along Route 312 and Caremount is pursuing a second access which would connect to Independence Way, further improving the Caremount operations.

Comment No. 4-62

If you really think that it's vital for your commercial enterprise, go for it. Make your own exit from 84.
(B-3, PH #2, Ms. Yekutiel)

There is no way that you can prevent the trucker from doing it. They go wherever they want to go. If you really, really, really want to go - - if you really want to do that, create your own exit off 84.
(B-3, PH #2, Ms. Yekutiel)

Why isn't there an exit allowed off of 84? You say it's not allowed. But I want to know, why is there not an exit allowed off of 84?
(B-3, PH #2, Ms. Kaddatz)

Find a way with NY department for keeping traffic on 84 only and then maybe I could see the possibility.
(B-39, Jane Cypher)

Why no dedicated on/off ramp is included in this proposal is a mystery, since it might help alleviate the traffic impact.
(B-50, James Borkowski)

The State of NY denied their request for an exit off I84 directly into their complex because they were wise enough to know this would create huge traffic jams.
(B-131, Christine Capuano)

I personally believe that the best solution would have been a new entrance to 84 on Simpson Road. I understand it has been denied. I believe it would have improved the traffic flow on 312 as it is now. I think there would have been more traffic flow up through the new entrance. I would hope that it's something that could be readdressed again.
(B-145, Mr. Gress)

I still think there needs to be a hard look at two issues: First, they - - they said that an exit off 84 was not possible, but I didn't get a good answer of why and who makes that decision. Because when an application in another area - - that was Legoland. The DOT and everybody worked towards trying to work the traffic issue. So I think I need a better answer of why we can't get an exit off of 84. Okay.
(B-145, Hearing No. 3 (Mr. LaPerch))

Response No. 4-62

Direct access from I-84 was discussed with NYSDOT during a review meeting with the Applicant and the Town and NYSDOT on 7/23/2018 (no meeting minutes were circulated) stated that it would not be permitted based on required distances between interchanges of one mile or more.

Comment No. 4-63

Okay. Residential, more schoolkids, more buses, bigger schools, more traffic. If you think 143 homes isn't going to present more traffic than what they're proposing, then that's it's just – all it's going to do is cost us money. They're bearing infrastructure costs. The homes, they're going to use more water.
(B-3, PH #2, Ms. Miller)

Response No. 4-63

The comment recognizes that the Applicant is proposing to pay for infrastructure costs and the Proposed Project will use less water and have more school children than the 143 homes.

Comment No. 4-64

Traffic study during peak hours and for Route 311 and Simpson Road, your presentation on July 9th did not include impact of Simpson Road, Fair Street, or Route 6.
(B-3, PH #2, Ms. Fay)

Response No. 4-64

The projected traffic volumes were analyzed where required by the Town as part of the TIS scope developed by AKRF based on anticipated site generated volumes. See Response No. 4-7.

Comment No. 4-65

You're now going to have the warehouses. You're going to have trucks - - trucks on the roads that aren't necessarily designed for trucks. So you're going to have increased car accidents.
(B-3, PH #2, Mr. Lubra)

Increase of Traffic Accidents
(B-9, James Scomillio)

Just think about what would happen if trailers overturn and block the roads on a 2 lane road.
(B-9, James Scomillio)

Rte 312 is extremely icy during the winter, the increase in trucks will increase accidents on that road.
(B-21, Nina Walters)

Safe traveling is a big risk.
(B-48, Charles DiDonato & Marie DoDonato)

What you are asking is to create a situation to direct even more of these trucks into our area, which will eventually lead to an increase in fatalities on our highways and roads.
(B-52, Lawrence Martinez)

With more possibilities of accidents happening.
(B-76, Jackie Kaddatz)

What if an accident or overturned trailer occurred?
(B-85, Christine Capuano)

The thought of over 500 tractor-trailer trucks on these roads will be dangerous for us seniors.
(B-95, Rose & Pete DiGeronimo)

500 Trucks on the road can lead to more accidents on small roads.
(B-99, Pablo Diaz)

Safety to the current residents traveling on the proposed truck traffic routes.
(B-101, Jack Pizzicara)

Increased risk harm to residents due to higher incidents of traffic accidents.
(B-107, Twin Brooks Homeowners Association, Inc.)

It will also bring Truck and Car accidents which will increase traffic delays.
(B-122, Jeffrey Gampinsky)

It will also increase the likelihood of severe accidents on Rt. 312 as a result of introducing that many trucks into such cramped space.
(B-135, Alison Yara)

As it is now if there is an accident on 312 its not pretty., but the road usually is closed for an hour or two. Can you imagine if a semi is involved? We will probably go no where for a very long time.
(B-140, Christine Capuano)

We feel this project is completely oversized for the area and will have permanent and irreversible negative impacts on the quality of safety.
(B-142, Steve & Susan Elias)

We want to feel safe and not deal with the 24/7 disruption that will occur with a massive logistics center.
(B-148, Elena Tezzi)

Route 312 is the artery leading to I84 east and west, thereby creating a scenario whereby any accident event on I84 will domino effect on Rte 312. Daily. we have been visited with reports of such accidents involving multiple cars and those between cars and trucks. That occurrence can only exponentially increase as 510 NIH semi-trailers make their entrance into I84.
(B-149, Ann Fanizzi)

While the current road infrastructure is essentially safe, there are still a sizable number of accidents, of which a significant number are associated with wet, snowy and icy conditions (expected to continue). The additional truck traffic will increase the number and severity of these accidents:

- *What is the expected increase in accidents and its impact on traffic (longer disruptions) and local services (greater severity)?*

(B-154, Carlos Passi)

I remember last year when a truck broke down at the intersection of Route 6 and John Simpson Road at the beginning of the rush hour. It took me almost an hour to get from I-84 to my home in Hunter's Glenn. The truck closed off John Simpson Road because it broke down in the middle of the intersection, leaking fuel or other pollutants right next to the Middle Branch Reservoir. The incident required a massive clean-up which took the Department of Environmental Conservation hours to clean as traffic got worse and worse. Completion of this project will increase the risk of similar incidents many times over.
(B-168, Christine Caso)

Envision the accidents- the roll overs, sleepy drivers, emergency vehicles attempting to navigate the already crowded roads.
(B-179, Alice Brandon)

During peak commuting hours, the delays will no doubt be more significant than commuters now experience. This undoubtedly will lead to drivers seeking an alternative to save time. I fear that a road such as North Brewster Road could be such an alternative. With a higher volume of traffic on a road with a 30 mph speed limit, safety along this already well traveled road will diminish greatly.
(B-24, Paul Hondorf)

<u>Response No. 4-65</u>

The intersection and roadway improvements have been designed in accordance with NYSDOT standards to provide proper roadway geometrics, thereby minimizing the potential of accidents. It is not expected that the accident rates will increase with the proposed Project. The number of accidents could typically be expected to increase proportionally to the increases in traffic volumes at specific intersections. As part of the NYSDOT improvement project description of the improvements currently under construction, NYSDOT provides the following:

The New York State Route 312 at the interchange with Interstate 84 experiences a high number of accidents, particularly rear end type collisions. The project will coordinate the three traffic signals at this interchange and smooth the transitions to the turning lanes in order to reduce the rear-end accidents. This project is located in the Town of Southeast, Putnam County.

Comment No. 4-66

How can you compare the Fishkill distribution center, which is half the size of the one you're proposing for Putnam County, when they have a four-lane highway going one way to the half-sized distribution center, to the one that is twice the size that's going to be in Putnam County that has one lane available for what they're saying is two to three amount of truck trips? It doesn't make sense to me. I don't see how the county can handle it. I think we need a more realistic comparison.
(B-3, PH #2, Ms. Dunn)

Response No. 4-66

The Gap facility in Fishkill is more than 200 percent of the size of the proposed development. As discussed in Response No. 4-18, traffic counts conducted at the Gap facility indicate that the project could be expected to generate far less truck traffic than was projected in the DEIS.

Comment No. 4-67

The other thing is: What happens when 84 closes down in the winter? Where do those trucks go?

Are they going to be idling while the highways are closed?
(B-3, PH #2, Ms. Dunn)

When there are severe or major winter storms or other natural catastrophes and New York State declares a state of emergency, where will all of the trucks go? They currently line I84 exits however with the influx of 500 from this proposed logistics center, will they have enough to store all 500 on site or will they line RT312, idling fumes into atmosphere?
(B-156, Patricia Ann Yara)

It is hard to imagine the traffic conditions on route 312 in a snowstorm if the road is filled with trucks, especially big trucks.
(B-59, David Simington)

Response No. 4-67

The trucks' cabs are typically not on the site when trucks are loaded or unloaded. Moreover, as discussed in Response No. 3-15 in the Land Use and Zoning Section of this FEIS, most warehouse/distribution centers have strict anti-idling policies, which are enforced by designated employees. The warehouse/distribution manager would be expected to monitor for weather incidents that could affect operations and take actions necessary to prevent trucks from being stranded during extreme weather events, such as by cancelling deliveries when major weather events are projected. Thus, winter storms would not significantly impact the trucks traveling within the property.

Comment No. 4-69

But the last improvement to the intersection, they widened it to two lanes which ultimately end up in one lane, creating road rage. I've almost gotten killed at that intersection numerous times. So I'm interested in knowing what the improvements are.
(B-3, PH #2, Ms. Aurello)

Response No. 4-69

NYSDOT is currently improving the Route 312 intersections with the I-84 ramps to enhance capacity and minimize accidents. See Responses 4-7 and 4-65 for additional information.

Comment No. 4-70

132 truck trips throughout the night just seems - - seems ridiculous.
(B-3, PH #2, Ms. Yara)

Response No. 4-70

See previous responses regarding fewer trucks anticipated based on local data. The Town intends to require as conditions of Special Permit and Site Plan Approval that no trucks access the site between the hours of 11:00 PM to 7:00 AM Monday through Saturday, and on Sunday trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM.

Comment No. 4-72

When you did the modeling of your traffic, you used Synchro. Synchro is known in the industry as a very good program to - - (indiscernible) construction projects, not as traffic modeling software. Can I ask you to put the same or do the same modeling using some better known, better accepted by the industry as a traffic modeling like - - (indiscernible.)
(B-3, PH #2, Mr. Carlos)

Please use a better recognized in the industry modeling tool. Include not just the roundabout in isolation, but the impact it will have in Independent Way and Route 6.
(B-3, PH #2, Mr. Carlos)

Response No. 4-72

The comment is incorrect as Synchro is one of the nationally accepted programs for traffic modeling and a NYSDOT approved traffic analysis software. With the concurrence of the Town, the Applicant's analysis has used Synchro, which is the nationally accepted program for traffic modeling. The analyses appropriately consider all potentially significantly adversely impacted intersections. The Synchro network model includes all the studied intersections.

Comment No. 4-73

And in total, last Thursday, I was coming out of Pugsley at 4:36, and the line of cars was three past Pugsley. If you add a couple of tractors to that, that means that none of your traffic will be able to get out, and the traffic will be further backed up. So we need you to look at the traffic impact, not just of the roundabout, but the roundabout in conjunction with Independent Way, in conjunction with Route 6, so we can get a full picture of that. And the process should also include the box truck volume, not just the tractor trailers.
(B-3, PH #2, Mr. Carlos)

Response No. 4-73

The total truck volumes, tractor trailer and box type trucks, were included in the analysis. See Response No. 4-7.

Comment No. 4-74

When you do that, also make sure that the length of the tractor - - assuming that modeling is 70 feet, 65 to 70 feet, not the length of the car.
(B-3, PH #2, Mr. Carlos)

Response No. 4-74

The synchro analysis software considers different sized vehicles based on the percent heavy vehicles data input into the software.

Comment No. 4-75

Also, you should include the fact that the roundabout has the priority as you are getting out. No tractor will be able to get in there because the north/south traffic will have the right of way. (B-3, PH #2, Mr. Carlos)

Response No. 4-75

See previous Response No. 4-12/13. The Applicant is no longer proposing a roundabout at the intersection of Route 312 and Pugsley Road.

Comment No. 4-77

Also, you should include the employee traffic. You did not include it in your modeling. So I think what is missing is the box truck traffic and the peak traffic. And also, what's important again, is how do you model that through the phases of the project? Is the roundabout reconstructed before Building 1 and 2?
(B-3, PH #2, Mr. Carlos)

Response No. 4-77

Employee traffic, box truck traffic, and peak traffic are all included in the total trip generation presented in the DEIS and in the subsequent analyses. The roundabout is no longer proposed.

Comment No. 4-78

As we construct the roundabout, it's not a small project. What's going to happen to the traffic then, and why do you have to close 312? How long that closure is going to last? What's going to be the routes that traffic's going to be detoured? What's going to happen in the meantime? (B-3, PH #2, Mr. Carlos)

Response No. 4-78

The roundabout is no longer proposed at the Route 312/Pugsley Road intersection. A traffic signal and roadway widening to provide additional lanes is currently proposed. One lane in each direction would be provided along Route 312 during construction, except for a limited time during off peak hours.

Comment No. 4-79

73 feet is the length of a tractor trailer. That's 3.5 miles. Do the math. You're going to squeeze them into one exit, is that what you're telling us? Am I correct about that?
(B-3, PH #2, Mr. Robert)

Response No. 4-79

All truck trips to and from the site would not be arriving or leaving at the same time as to create such a queue. In addition, not all truck trips are proposed to be 73-foot tractor trailers.

Comment No. 4-80

The other thing that I'm concerned about is I have two plots at the community garden on 312, and I've had it for a number of years. I love gardening. I'm a master gardener. And I find it difficult as it is getting in and out of that community garden.
(B-3, PH #2, Ms. Newman)

Response No. 4-80

Access to the community garden will not be modified. Extensive traffic improvements are proposed in the area as described in Response 4-7.

Comment No. 4-81

You stated that there's going to be about 800 jobs created for construction. You stated that generally, those workers only start before the peak times. What that should only mean, 50 percent or 90 percent? Because you should add those modeling to your traffic assessment as you go through the outline of the project.
(B-3, PH #2, Mr. Carlos)

Response No. 4-81

Traffic studies analyze the operations of a facility once it is up and running, not during construction when the traffic would be less than when the facility is in operation. The vast majority of construction workers would arrive well in advance of peak hour traffic. The analysis of the site at full operation upon completion of the development presents the worst case traffic scenario.

Comment No. 4-82

What it didn't do is show what happens at Home Depot intersection. When that gets backed up right now, it goes down past Pugsley Road. So with the 500 tractor trailers – - oh, by the way, that's one tractor trailer every 2.8 minutes. I like calculators. That's a lot, and that's not including the box trucks, not including the employees' cars.

So we then have the issues of 84. On a very regular basis, 84 is impassable. It backs up, which, in turn, will then back up on to 312, which will then back up everywhere else.

This is going to happen more and more as these truckers go, I got to get somewhere, and I don't care how.
(B-2, PH #1, Mr. Gosselink)

Response No. 4-82

See Responses No. 4-7 and 4-58.

Comment No. 4-84

The submitted plans currently provide a Typical Cross Section for the improved Pugsley Road and show proposed grading to support these improvements. More detailed roadway plan and profile drawings should be included with future submissions. We have the following comments regarding the proposed improvements:

A. The road widening will require slope regrading along portions of the east side of road. Locations where guiderail will be proposed should be indicated.

B. Future submissions should include storm drainage capacity calculations for piping and swales, as well as calculations for outlet protection/velocity dissipation structures.

C. Some of the drainage outfalls and/or treatment practices extend beyond the right of way on the east side of the road. Will easements be provided where these outfalls if they are not located on Town property?

(B-4, Jacobson Engineering, Joseph M. Dillon, P.E.)

Response No. 4-84

A. The locations would be shown on the NYSDOT permit drawings.

B. The stormwater information is provided in Chapter 6 of this FEIS.

C. The Town intends to require as conditions of Special Permit and Site Plan Approval that, to the extent necessary, easements be provided to the Town for the drainage outfalls.

Comment No. 4-85

Detailed plans for the improvements proposed at the intersection of Pugsley Road and Route 312 should be provided in future submissions. The Applicant should advise as to the status of review of these improvements by the NYSDOT.

(B-4, Jacobson Engineering, Joseph M. Dillon, P.E.)

Response No. 4-85

The detailed plans would be prepared and provided to NYSDOT and the Town Planning and Engineering Consultants when the specific improvements are determined. The Applicant and Town Traffic Consultant have met with NYSDOT four times, and NYSDOT has determined that a traffic signal controlling a T intersection should be installed rather than the roundabout at the intersection of Pugsley Road and Route 312.

Comment No. 4-86

The traffic is now so unbearable that it takes me almost one hour to get to and from work in Mt. Kisco. There are so many cars and trucks and buses on the road in town and through Brewster that it takes longer than need be to get anywhere. Coming home on 84 we just sit in traffic for 15 minutes to get up 84 because the trucks are in both lanes. 510 plus or minus extra trucks on the road will make it impossible to get anywhere.

The traffic on Route 6 and 312 is already a nightmare. On the weekends it takes an extremely long time to get anywhere and during the week it is even worse.
(B-8, Amanda DeHaan)

Not only will the project exacerbate already increasing traffic volume at a dangerous set of intersections.
(B-51, Cory Blad)

Response No. 4-86

See Response No. 4-7.

Comment No. 4-87

Residents of Southeast have also been waiting for years for our 2 major roadway hubs; Routes 22 & 312, to be expanded to remedy the current high volume traffic situation, meanwhile this proposal calls for a major increase in traffic, with a possibility of 500 additional trucks daily! That area simply cannot handle this type of congestion.
(B-92, Karen Lynch)

Response No. 4-87

See Response No. 4-7.

Comment No. 4-88

Various comments generally discussed traffic. See comments summarized in Comment No. 4-7 for similar comments. The specific comments may be found in Appendix 2.B.

Response No. 4-88

See Response No. 4-7.

Comment No. 4-89

The traffic will be a nightmare. At certain times there's already heavy traffic on 312 & Rt 6 and this will provide much more traffic.
(B-126. Stephen McPartland)

A major concern of mine is the increased traffic patterns that would be incurred. major traffic issues would ensue, congesting an already busy area!
(B-127, Laurel Kaddatz, DVM)

Response No. 4-89

See Response No. 4-7.

Comment No. 4-90

I would like to know if there is a way to stop trucks from leaving the logistics center and traveling to Rt 6. Having access only directly, from and to Interstate 84.
(B-29, Gina Occhigrossi)

Response No. 4-90

Trucks are currently allowed to travel on Route 6, and the project does not propose to restrict them from using Route 6. However, the vast majority of project associated truck traffic, approximately 90 percent, would be expected travel east on Route 312 to I-84.

Comment No. 4-91

Where will the 250 trucks daily be purchasing fuel?
(B-29, Gina Occhigrossi)

Response No. 4-91

Primarily along I-84 and other major roadways.

Comment No. 4-92

Traffic: the proposed project could induce ±510 tractor-trailer truck trips per day, which would result in significant impacts to local traffic. Many trucks will be oversized with 53' trailers. The number of passenger vehicles trips per day is not available but could easily exceed 1,000.
(B-34, Concerned Residents of Southeast)

Response No. 4-92

See previous responses, including Response No. 4-18, regarding the 130 truck trips based on local data and that only approximately 60 percent of those can be expected to be tractor trailer trips based on local data at the Gap and Matrix facilities. The projected project generated passenger vehicle trips at various times are shown on tables included in Appendix 4.

Comment No. 4-93

Various comments generally discuss traffic. See comments summarized in Comment No. 4-7 for similar comments. The specific comments may be found in Appendix 2.B.

Response No. 4-93

See Response No. 4-7.

Comment No. 4-94

As residents of Route 312 for 54 years we are very much aware of the traffic problems of this road. Half is commercial and half residential. When Home Depot etc was built everyone said that all commercial traffic would use 84. They do NOT.. they use 312 to go north and south using 22.
(B-39, Jane Cypher)

Response No. 4-94

Traffic count data shows that commercial trucks associated with Independent Way use I-84 as well as Route 312.

Comment No. 4-95

It's almost impossible to comprehend or even imagine the addition of 510 truck trips per day on Route 312. That, and the fact that these trucks are likely to be oversized, traveling on a two-lane bridge and back again on two lanes of Route 312 is a disaster waiting to happen.
(B-40, Janine Alberghini)

Response No. 4-95

See previous responses, including Response No. 4-7.

Comment No. 4-96

There has already been a fatality at Independent Way and Route 312. Yet aside from coordinated signals there is little that will improve this particular intersection.
(B-40, Janine Alberghini)

Response No. 4-96

NYSDOT is providing improvements, as discussed in Response No. 4-7. As part of the NYSDOT improvements, the accident history of the intersection was considered by NYSDOT.

Comment No. 4-97

Finally, I understand that the county might add another access into Tilly Foster Farm from Pugsley Road. Has this been studied? It seems that with one semi-truck every three minutes this intersection may be as difficult and dangerous as the already existing farm entrance on Route 312.
(B-40, Janine Alberghini)

Response No. 4-97

The property is being offered to the County for potential roadway use if desired. If the County ever opts to alter traffic patterns in this area, it would need to study the potential impacts of any such change.

Comment No. 4-98

Tractor trailers coming in and out all day and night will be a nightmare! [Lives in Hunter's Glen.]
(B-49, Lori Fava)

Response No. 4-98

See previous responses and the Introduction to the Noise Chapter. The project has been redesigned such that trucks, once they are on site, they would circulate behind the buildings, with the buildings acting as a noise barrier. The Town intends to require as conditions of Special Permit and Site Plan Approval that no trucks access the site between the hours of 11:00 PM to 7:00 AM Monday through Saturday, and on Sunday trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM .

Comment No. 4-100

The trucks will impede traffic on route 312, especially near the Metro-North tracks in Dykemans.
(B-59, David Simington)

Response No. 4-100

See Response No. 4-7.

Comment No. 4-102

I would like to know what the NYSDOT assessment is for these impacts, not what the developer says.
(B-79, Susan Tullipano & Ken Tullipano)

Response No. 4-102

NYSDOT is very involved with the review of the project, and their comments on the DEIS are included in Appendix 2.B to this FEIS.

Comment No. 4-103

In addition I understand that it is getting more common for warehouses to have retail and/or pick-up space attached (see link below). I know that the project now calls for around 20,000 square feet of retail. Is a 'pick-up/drop-off' option also included in traffic calculations?
(B-81, Lynne Eckardt)

In addition, it is becoming common for warehouses to have retail pick-up and/or drop-off space attached. The project now calls for around 20,000 square feet of retail. Is a 'pickup/drop-off' option a possibility and is this included in traffic calculations?
(B-147, Lynne Eckardt)

Retail use generates the highest traffic of any use. For that reason, the Applicant should revise its traffic study to include the traffic generated by 22,500 sq. ft. of retail use associated with a distribution center.
(B-163, James Bacon, Esq., P.C.)

Response No. 4-103

See Response No. 4-18. Ancillary retail is no longer proposed by the Applicant.

Comment No. 4-105

However, installation of a gate at the Town line to mitigate traffic impacts does not relieve the DEIS from acknowledging potential impacts to intersections in the Town of Patterson that may occur from the Project. Although the DEIS acknowledges discussions with the Town of Patterson for the installation of a gate at the Town line, the DEIS fails to acknowledge the reasons necessitating the gate; the increase traffic through residential neighborhoods caused by employees of the facility and/or truck traffic seeking alternate routes to avoid delays. SEQRA requires that all potential significant impacts be identified, assessed and then mitigate.

The DEIS's fails to recognize or evaluate potential traffic impacts to Fields Corners Road, the intersections of Fields Corners Road/Fair Street, Terry Hill Road/Fair Street and Fair Street/Route 311. At a minimum traffic counts should have been completed at the intersection of Fields Corners Road/Fair Street to understand the number of vehicles using this road to travel between Fair Street and Route 312.

The proposed project will generate for AM peak hour, PM peak hour and Saturday Peak, upwards of 337, 360 and 146 vehicles. The generation of this number of vehicles will result in increased delays at local area intersections. Compounding the employee vehicle trips are the number of delivery trucks that will be traveling to the site.

Without the proposed gate at the town-line, vehicles will exit the sites of Building 1 and Building 2 via a shared driveway onto Pugsley Road where they will have the option of executing a right turn to Route 312, or a left tum to Fair Street. Vehicles exiting from Building 3 and Building 4 via Barrett Road will also have the option of executing a right tum to Route 312, or a left tum to Fair Street. Many of these vehicles will be employees of the site living in north of the project such as Dutchess County. Delivery trucks will likely be traveling to and from Stewart Airport.

As a result employees and delivery trucks traveling to and from the site will inevitably be looking for alternate routes which are shorter, and which will avoid delays. In other words the will be

using Fields Comers Road in the Town of Patterson as an alternate route. Yet the traffic analysis [Traffic Data, Appendix B-1] does not once even mention Fields Comers Road, Fair Street or the Town of Patterson, let alone analyze intersections in the Town of Patterson for current level of service, or future changes in those LOS.

The traffic impact to Fields Comers Road/Fair Street intersection and the Fair Street/Route 311 intersection must be analyzed in the DEIS. Installation of a gate can then be offered as the potential mitigation to the traffic impacts resulting from the project.
(B-86, Supervisor Town of Patterson)

Response No. 4-105

The additional intersections in Patterson have been analyzed and summarized on Tables 4-18 through 4-23. The project would not have a significant impact on any of the referenced intersections in Patterson.

Comment No. 4-106

Unless the gate and turnarounds will be located entirely in the Town of Southeast, any improvements to Fields Comers Road will require the approval of the Town Board and Highway Superintendent.
(B-86, Supervisor Town of Patterson)

Response No. 4-106

No improvements are currently proposed within the Town of Patterson. To prevent truck traffic from getting to or leaving the site through Patterson, truck access to Fields Corner Road to/from Patterson would be restricted. The Applicant would abide by whatever means the Town of Southeast prefers to implement this restriction, which is currently height restriction.

Comment No. 4-107

How much is the cost of the roundabout and the reconstruction of Pugsley Road?
(B-91, Alan Wendolski)

Seabury wants the town to give it Barrett Road, why not sell them Barrett Road to cover the cost of construction of the Roundabout and Pugsley Road?
(B-91, Alan Wendolski)

Response No. 4-107

The Applicant would be constructing the improvements at no cost to the Town. In addition, the roundabout is no longer being proposed.

Comment No. 4-108

How will the 919 employees working around the clock affect traffic on Rte 312? If we presume three likely shifts (8am-4pm,4pm-midnite&midnite-8am) how are the approximately 300 cars heading into Pugsley Rd going to affect traffic on route 312? How are the other 300 or so cars going to affect traffic when they are leaving the center moments later?
(B-91, Alan Wendolski)

Response No. 4-108

See previous responses, including Response No. 4-18. Employee traffic has been included in the traffic analysis.

Comment No. 4-109

As seniors we find it difficult enough to travel off Exit 19 of I-84 – riding on Route 312 is a challenge for us.
(B-95, Rose & Pete DiGeronimo)

Response No. 4-109

NYSDOT is currently improving the Route 312 intersections with the I-84 ramps to enhance capacity and improve safety, which would be expected to improve the experience of drivers. See Response No. 4-7.

Comment No. 4-110

We live in Hunters Glen – Fair Street. This is a main road to Carmel Middle & High School – Many buses on these roads – Also Route 6 is main route for EMS used to go to hospital – these two lane roads can't handle so many tractor – trailer trucks.
(B-95, Rose & Pete DiGeronimo)

Response No. 4-110

See previous responses, including Response No. 4-60, which notes that relatively few vehicles are projected to use Fair Street.

Comment No. 4-111

Traffic: Hunters Glen believes that Barrett Road must be closed and Fields Comer Road should be improved but restricted to non-commercial traffic.
(B-98, Snyder & Snyder)

Response No. 4-111

Height barriers are proposed to limit commercial traffic on Fields Corner Road, which is not being improved. The Applicant would abide by whatever means the Town of Southeast prefers to implement this restriction, which is currently height restriction.

Comment No. 4-113

And the long-term traffic impact of trucks entering and exiting the property at a rate of approximately 500 trips per day (essentially one large truck every three minutes if the site operates 24 hours per day, or one very two minutes if it operates 16 hours per day). This is a long-term traffic load that will have a significant impact on the nature of our community and will likely grow as the Logistic Center's need increases.
(B-107, Twin Brooks Homeowners Association, Inc.)

Response No. 4-113

Please see Response No. 4-7 and 2-2.

Comment No. 4-114

Given the loss of so much retail business in recent years in ours, and surrounding counties, there are thousands/millions of square feet of deteriorating buildings in commercial zoning readily available.
(B-135, Alison Yara)

One last point that I can't seem to understand is, we have 2 sites 3 exits south of us on I684 that have large facilities that can certainly handle what is being proposed, have they been considered as an option? IBM has (I believe I count 4 buildings) sitting on a ridgeline (as I drive down I684 everyday) and Pepsi has more just south of there. To the best of my knowledge, all of these properties are vacant as I can easily get a table to eat in the town of Somers, whereas

before it was impossible. The applicant states there are no other options, are you sure? Does Southeast really need to destroy its natural beauty when there is available space elsewhere?
(B-156, Patricia Ann Yara)

This company should be looking at the GAP property in Fishkill because it is obvious that large warehouse is underutilized and could easy handle additional trucks AND it is not near any housing AND it is on the corner of 4+ lane highways on Rt9 and Rt84. The planning board should also recommend that this company look at the East Fishkill old IBM location which is for sale, is not near any homes AND is on the corner of Lime Kiln Rd and Rt 84, again 4+ lane entrance and exit.
(B-165, Claudia Zsevc)

Response No. 4-114

See Response No. 10-16 of the Tax Analysis section of this FEIS, which explains that existing multifamily developments are located closer to the Gap than the proposed project, and that property values of houses in those developments have continued to rise.

SEQRA jurisprudence establishes private applicants, who lack the power of eminent domain, cannot be required to consider properties that they do not own, including because "[i]t would be unrealistic, and, indeed, onerous to impose upon private developers the obligation to acquire alternative sites or options to purchase them and then submit all the sites to the lead agency for review and selection." Horn v. International Business Machines Corp., 110 A.D.2d 87, 97, 493 N.Y.S.2d 184, 191 (2d Dept. 1985), leave to appeal denied, 67 N.Y.2d 602, 499 N.Y.S.2d 1027 (1986).

Comment No. 4-115

No one in the trucking industry can accurately predict when a truck will arrive at it's destination, there are just too many uncontrollable factors. They will arrive at all hours, day and night?
(B-110, Jerry Halter)

Response No. 4-115

See Response No. 4-98.

Comment No. 4-116

Concerning the traffic study there is no indication of peak season traffic such as the trucks needed to deliver products during Christmas and other holidays. It is a known fact that consumer purchases from Thanksgiving to Christmas is about 65% of the total year's business. It is also a time for peak traffic of residents shopping at retail stores located at the Highlands near the location of the proposed warehouses Route 312 and Pugsley Road.
(B-120, Richard Feuerman)

Response No. 4-116

The analyses included in the FEIS are considered conservative and are anticipated to also address seasonal variations.

Comment No. 4-117

While there was a discussion about possible products being delivered direct to consumer, which is a direct result of on line purchases. There was not a discussion or study if these warehouses were used for transporting direct to consumers of the amount of small truck traffic, FedEx and

UPS that would add an enormous amount of additional traffic coming in and going out of these warehouses.
(B-120, Richard Feuerman)

Response 4-117

The project is not designed to be a transfer depot or parcel hub, which require cross-dock (docks on both of the long sides of the buildings) efficiencies. The vast majority of distribution centers use intermediaries to pick up goods for shipment including those responding to on-line purchases. The Proposed Alternative is designed to restrict truck docks to one long side of each of the buildings and employee parking to the other, which limits the availability of docking space and therefore limits trucking activity by design. Most distribution facilities operate by scheduling the use of loading docks to assure efficiency. The Preferred Alternating buildings are designed to receive, hold and ship. The shipments may be by UPS or similar vendors but will typically be made on regularly scheduled. While box trucks generated by the project may include FedEx and UPS deliveries, the project is not designed to include a substantial parcel hub, and the ITE trip generation based on the Warehouse land use Code 150 utilized in the analysis includes typical box trucks for warehouse and High-cube Warehouse Code 154 buildings, including FedEx and UPS.

Comment No. 4-118

There is already way too much traffic on Rte. 312, as anyone who regularly travels it can attest to. For us residents to have to deal with 500 (!!) tractor trailers on that road on any given day, is beyond imagination. Couple this with the proposed shopping center or whatever that was previously approved just past the light for 684, and nobody will ever be able to go anywhere on 312.
(B-133, Kathie Franco)

Response No. 4-118

See Response No. 4-7.

Comment No. 4-119

How many trucks will be coming off 84 at one time and creating a nightmare waiting to get to Pugsley Road.
(B-133, Kathie Franco)

Response No. 4-119

Truck traffic would be primarily during off peak hours. See response No. 4-18, of the 130 truck trips that could be anticipated to the site daily, approximately 110 truck trips are anticipated to utilize Interstate 84.

Comment No. 4-120

Increased traffic on Rt. 84 and Rt. 684 – these roads are already over-congested during commute and off peak times. There is no question this increased truck traffic will impact these state roads.
(B-135, Alison Yara)

Response No. 4-120

Many of the vehicles which would be associated with the site are currently traveling along the roadways. See Response No. 4-7, which explains the mitigation measures proposed for the project.

Comment No. 4-121

During the July 9th public hearing of the Southeast Planning Board, it was mentioned by Mr. Richman [sic], attorney for Putnam Seabury, that the most traveled part of the road by trucks would be from Pugsley Road to Route 6 and west toward Mahopac. I'd like to know, first, if this is actually the case.

In the case of emergency vehicles that need to get through Route 6 traffic where time is of the essence and someone's life hangs in the balance, how can we reconcile that necessity with giant tractor-trailers clogging the roadway at all hours of the day and night?

Route 6 is even more challenged and limited an infrastructure than Route 312. It is already at or beyond full capacity during peak hours. What it could be like with so many added large trucks is truly horrific to contemplate. When there is traffic on the interstate or on 312, Route 6 backs up very quickly. Add to that, the traffic coming west from the village of Brewster and Danbury or northern Westchester and it is very bad. Accidents are frequent at the intersection of Routes 312 and 6 and that's without giant tractor-trailers complicating the situation. It will cause bottleneck traffic at three points: coming from 312 and turning right; going west from Route 6 past 312; and turning onto 312 from Route 6 going east.
(B-136, Lisa Aurello)

Response No. 4-121

Most trucks would not travel on Route 6. Approximately 10 percent are projected to travel along Route 6. See previous responses, including Response No. 4-53. The Applicant's counsel has no recollection of making any such statement to the effect that most traffic would use Route 6, which would have been inaccurate. The Applicant previously confirmed to the Town that large trucks are currently permitted by NYSDOT to utilize Route 6 west of Route 312.

Comment No. 4-122

The conceptual roundabout and traffic signalized road improvement plans presented do not accurately depict the amounts of disturbance associated with either construction option. For instance, in order to incorporate the roundabout, a hillside cut and significant grading would be involved to allow for a level traffic circle. The on-site soils exhibit high groundwater that may result in seeps to the roadway surface thereby presenting a potential erosion and sedimentation hazard and surface water impact due to rilling and the inability to stabilize permanently. Moreover, the conceptual plans do no show the location of any areas for the treatment of storm water runoff, as required.
(B-137, NYCDEP)

Response No. 4-122

NYSDOT indicates a preference for the T intersection alternative and the roundabout is no longer proposed. The grading and stormwater management in the area have been considered.

Comment No. 4-123

The proposed intersection is in very close proximity to both a watercourse and NYS FWWLC-28. As you know, DEP regulates impervious surfaces within limiting distances of watercourses and NYS regulated wetlands. The addition of a roundabout is considered the construction of a new road per Section 18-39(a) (6) of the Watershed Regulations and as such would require a variance from Section 18-39.
(B-137, NYCDEP)

Response No. 4-123

NYSDOT is currently indicating a preference for the T intersection alternative, thus the roundabout is no longer proposed.

Comment No. 4-124

Additional offsite improvements are mentioned at NYS Route 312 and near 1-84. These improvements are not shown in detail nor is a discussion presented. Further, any road improvements will require the treatment of stormwater runoff. This information must be included in a revised DEIS/SEIS and circulated for review.
(B-137, NYCDEP)

Response No. 4-124

Stormwater would be managed and is included in Chapter 6 of this FEIS.

Comment No. 4-125

Our road system is already overcrowded. The new senior housing on the horrendous looking hill added hundreds more cars to the small one lane road that circles our town.
(B-165, Claudia Zsevc)

Response No. 4-125

See Response No. 4-7.

Comment No. 4-126

As for traffic, I do not think adding an extra lane or roundabout will solve the problem.
(B-140, Christine Capuano)

Response No. 4-126

See Response No. 4-7.

Comment No. 4-127

The board said that building 140 homes would generate more traffic. I find that hard to believe as traffic would be staggered not 24/7.
(B-140, Christine Capuano)

Response No. 4-127

See the DEIS discussion and FEIS Response No. 4-4.

Comment No. 4-128

What happens to lovely Tilly Foster Farm, something we fought so hard for? The farm and rural life will be blighted. If Rt. 312 is widened how much more will be taken away from the farm?
(B-143, Susan Rebentisch)

I also can't help but wonder how approval of this project would impact the substantial County investment in the Tilly Foster Farm, which is located immediately adjacent to the site, if this proposed project is approved and comes to fruition.
(B-168, Christine Caso)

Response No. 4-128

The Applicant has offered to donate property to the County in connection with Tilly Foster Farm and has coordinated with the County. See Response No. 3-3 in the Land Use and Zoning Section of this FEIS, which explains that by reserving a substantial buffer along Route 312, the Applicant's proposal would implement the Town's established goal of creating a "gateway" along Route 312 characterized by a scenic, rural character. As demonstrated in the DEIS, the proposed project would not be visible along Route 312 due to substantial existing vegetative screening and topographical variation.

Comment No. 4-129

I believe the traffic is the major issue.
(B-145, Mr. Gress)

I'm not sold on the traffic, certainly. I'm in agreement with Mr. Gress on that. I just don't know, at this point, whether that's going to work or what that's going to do.
(B-145, Hearing No. 3 (Mr. Hecht))

So traffic, obviously, is, you know, I think, most of our biggest concern.
(B-145, Hearing No. 3 (Mr. Cyprus))

The environmental impact, as you heard from all of us - - (Indiscernible) - - big concern. The traffic is huge.
(B-145, Hearing No. 3 (Mr. Rush))

Response No. 4-129

See Response No. 4-7.

Comment No. 4-130

I believe the traffic light is the better solution. I believe, and I have that written here, both -- two lanes, east and west, from Independent Way to Pugsley, but I see they have agreed to do that.
(B-145, Hearing No. 3(Mr. Gress))

I believe it also would be necessary to run two lanes on Route 312, east and west, down to Route 6 from Pugsley and connect with the proposal which was made by Crossroads. Crossroads had originally proposed to put two lanes coming up from Route 6 so they have a four-lane road. And I think it would be definitely an advantage to have two lanes in that direction.
(B-145, Hearing No. 3 (Mr. Gress))

We – I'm glad that you've done two lanes from Pugsley to the intersection at 84 on both directions. I agree with Jack and would like to see two lanes all the way to down Route 6 as well.
(B-145, Hearing No. 3 (Mr. Larca))

I'm also not for widening the lanes down to Route 6. And, you know, if we're going to do this, we're going to create our own traffic. I think it should be going out on 84. We shouldn't be making it easier for tractor trailers to go scooting down to Route 6 and then running through Carmel. I don't think that's fair, as a neighbor, to the Town of Carmel.
(B-145, Hearing No. 3 (Mr. Hecht))

Response No. 4-130

See previous responses, including Response No. 4-7. Route 312 does not need to be widened to four lanes between Pugsley Road and Route 6 in association with the Proposed Project, as less than 2% of the Route 312/Route 6 traffic volumes are projected to be generated by the project at the intersection and the volumes along Route 312 would increase by only 2% or less during the peak hours along Route 312.

Comment No. 4-131

The ultimate solution, of course, is going to be a four-lane overpass over Route 84. I believe a two-lane overpass over 84 would restrict the traffic flow to the point where it would just back up for miles. I don't know if the money has to be paid for by the developer, the property owner,

if the state would support part of that. You know, it's something that, probably, we should have had a bond issue on before for previous projects that were done, but it was never addressed, to my knowledge.
(B-145, Hearing No. 3 (Mr. Gress))

Nowhere is this constraint more apparent and nowhere is the ineffectual efforts of NIH engineers to overcome the real constraint than the two-lane overpass leading to I84 west.
(B-149, Ann Fanizzi)

I understand there are proposals to widen roads and add a traffic circle, but this does not completely solve the problem as traffic coming from the south or going north on Route 84 must cross a bridge that is unlikely to be widened because of the considerable cost involved.
(B-153, Mary Schwartz)

With the increase traffic and weight on RT312, other than widening the roads and adding a potential round-about, what other infrastructure improvements will be made? The overpass of i84 does not look like it can hold the capacity of 500 trucks (daily) for very long. Who will be responsible for that improvement? If not a requirement now, the residents who promised this tax break will never see it as it will have to go to roads the logistics centers are destroying.
(B-156, Patricia Ann Yara)

Truck traffic will overburden the already congested bottleneck caused by the undersized bridge over Rt. 84.
(B-163, James Bacon, Esq., P.C.)

<u>Response No. 4-131</u>

The I-84 overpass can accommodate the additional projected trips. The additional projected trips is not anticipated to cause bottlenecks on the I-84 overpass or cause other significant adverse impacts on the overpass.

Comment No. 4-134

I want to know if you've done a different traffic analysis, separate from Synchro. I think the -- a gentleman had asked that at the last meeting, and I don't remember reading it in here.
(B-145, Hearing No. 3 (Mr. Larca))

Response No. 4-134

Since Synchro is an approved traffic analysis software by NYSDOT, and a standard in the field, and its use was agreed upon by the Town's consultants, no other traffic analysis was required.

Comment No. 4-135

The developing potential with the residential and the commercial that is already unlooked is going to - - is going to increase traffic considerably. I don't know - - I think one of your figures said it was even going to be more than this would be for the development. Is that - - am I right on that?
(B-145, Hearing No. 3 (Mr. Armstrong))

So, in other words, folks, what's already on the books, what's approved would - - would contribute possibly more traffic than what they're proposing.
(B-145, Hearing No. 3 (Mr. Armstrong))

Response No. 4-135

The previously proposed residential and associated commercial would generate higher volumes than the Anticipated Volumes scenario analyzed in the FEIS for the currently Proposed Project.

Comment No. 4-136

One quick question, and if you can, just -- you mentioned the two lanes now, tonight. Would that require any more land movement, or everything's - -
(B-145, Hearing No. 3 (Mr. Cyprus))

Response No. 4-136

Additional right of way would be dedicated to NYSDOT.

Comment No. 4-137

I think in the DEIS it said that the proposal at that time would grade that as a C. Do we know what that road is graded at today?
(B-145, Hearing No. 3 (Mr. Cyprus))

Response No. 4-137

Existing intersection operations are shown on Tables 4-11 through 4-13.

Comment No. 4-138

The second part of the traffic issue on 312 - - I know you're doing two lanes both ways. But we had discussed about bringing the trucks in earlier off of 312 into Pugsley Road, but you couldn't do it because of the wetland issue. And I don't think that wetland study was advanced to the point where there - - we truly understood that we couldn't do it. You just - - your consultants said that, you know, there could be habitat in there. I don't think there was a drill down far enough to say, maybe we can do it. And then that would mitigate more traffic off of that, take it in earlier.
(B-145, Hearing No. 3 (Mr. LaPerch))

Response No. 4-138

See Response No. 4-7 as well as the Wetlands Chapter of the DEIS and FEIS, which explain that the Applicant's property in immediate proximity to I-84 contains significant wetlands and potential habitat for bog turtles.

Comment No. 4-140

It is also concerning that we will be giving away an asset if we decommission Barrett Road - without compensation. Putnam County has been able to acquire five acres from the applicant yet the town walks away with little but headaches

1) Will the applicant compensate the Town of Southeast if Barrett Road becomes private?
2) If so, who will determine a price?
(B-147, Lynne Eckardt)

The developer has asked for Barrett Road to be deeded to them by the Town of Southeast. If Barrett Rd is deeded to the developer by the town, will the town be compensated for the road? What would the compensation be?
(B-155, Cathy Croft)

Response No. 4-140

A series of land exchanges is proposed in association with the Proposed Project (Drawing PE-1 in Appendix 4.A, Part M). These include exchanges of land owned by the Applicant and the Town to enable the modification of the right-of-way necessary for improvements to Pugsley Road and Route 312, as well as land that would revert to the Applicant by operation of law upon the abandonment of Barrett Road. In addition, the Applicant would convey to Putnam County a parcel for Tilly Foster Farm.

The Town would abandon the Barrett Road right-of-way to the Applicant, and, upon abandonment, by operation of law, Barrett Road would revert to the Applicant, which owns the land on either side of it. See Town of Clifton Park v. Boni Builders, Inc., 156 A.D.3d 1035, 66 N.Y.S.3d 550 (3d Dept. 2017) (holding that "[i]t is well established that, 'when lands described in a conveyance [as they are here] are bounded by a street, highway or road, the conveyance is deemed to pass title to the center of the abutting roadway'" (citation omitted)): County of Rockland v. EklecCo, 2 A.D.3d 569, 769 N.Y.S.2d 298 (2d Dept. 2003) (rejecting County's claim to ownership of abandoned road as "inconsistent with the general rule that the public acquires only an easement in highways and the fee remains in the landowner," and affirming lower Court conclusion "that the County did not become the fee owner" of the subject road upon its abandonment); Bashaw v. Clark, 267 A.D.2d 681, 699 N.Y.S.2d 533 (3d Dept. 1999) (holding that County's abandonment of road "extinguish[ed] the public easement created in 1826" and that "[a]t that point, full unencumbered title to the lands beneath the old road reverted to the original owners of the land and their successors in interest, the fee to the land designated for highway use having remained in the owners"; reiterating settled law that "'[a] highway is nothing but an easement, comprehending the right of all individuals in the community to pass and repass, with the incidental right of the public to do all acts necessary to keep it in repair. This easement does not comprehend any interest in the soil nor give the public the legal possession of it.'" (citation omitted)). Since the deeds to the Applicant's property describe it as being bounded, in pertinent part, by Barrett Road, and there is no evidence that the Town ever acquired fee title to the Road, upon its abandonment, it would revert to the Applicant by operation of law.

To prevent truck traffic from getting to or leaving the site through Patterson, truck access to Fields Corner Road to/from Patterson would be restricted. The Applicant would abide by whatever means the Town prefers to implement thus restriction. The Applicant would dedicate to the Town the land necessary for a turnaround on Fields Corner Road should it be needed at the Southeast-Patterson Town line to prevent trucks from using this route. In total, the Applicant is providing a net total of 138,657

s.f. to the Town, and the Town of Southeast would provide (including by its act of abandonment of Barrett Road) 36,505 s.f. Thus, the Applicant is providing a net 102,152 s.f. more than the Town for these purposes.

Comment No. 4-142

The traffic on Route 6 between Route 312 and Gleneida Avenue would increase dramatically. It would have the greatest negative impact at the intersection of Gleneida Avenue and Route 6, which is already very congested with existing traffic.
(B-150, George and Diana Thomas)

Response No. 4-142

Traffic would not increase dramatically along Route 6. The projected project generated traffic volumes for various hours and scenarios, as well as volumes without and with the project, are shown in figures included in Appendix 4 of this FEIS.

Comment No. 4-143

Traffic on 312 is another issue. A big one. All that's needed is for one truck to get stuck anywhere on 312 to disturb the life of many residents. It will affect the shopping at Kohl's and all the other stores. The alternative option of diverting the traffic onto route 6, going through the village, is totally unacceptable.
(B-151, Miriam Yekutiel)

Response No. 4-143

See Response No. 4-7.

Comment No. 4-144

To obtain these minimal benefits, our town's residents would have to contend with significantly increased vehicle traffic. This additional traffic would cause more travel delays in an already congested area of town.
(B-152, Bradley Schwartz, Ph.D.)

The increased traffic and resulting congestion and delays are largely the result of external developments, not anything done in our town. More people are driving through Southeast to get to and from work elsewhere and for other events. Whereas these external developments are likely to continue and further increase traffic, it is unwise to permit any development in our town that would add to the problem without providing a worthwhile benefit to the residents.
(B-152, Bradley Schwartz, Ph.D.)

Response No. 4-144

See Response No. 4-7.

Comment No. 4-145

Access to the proposed logistics center would be from Pugsley Road at Route 312, a sloped, winding road with a single lane in each direction. Vehicles traveling to and from this facility would use the Exit 19 interchange on Route 84 and drive through the major intersection at Independence Way, the entrance to the Highlands shopping center and Southeast train station, that is already congested at many times during the day. The project plans that were presented will not mitigate the increased vehicle traffic, particularly truck traffic. One such proposal is to add one lane in each direction on Route 312 from Pugsley Road to the Independence Way intersection. This does not address the added traffic through this already busy intersection and

on the bridge over Route 84. The computer simulation of smooth vehicle flow through a traffic circle on Route 312 at Pugsley Road is a fantasy.
(B-152, Bradley Schwartz, Ph.D.)

Response No. 4-145

See Response No. 4-7.

Comment No. 4-146

For example, the developer has repeatedly stated that most truck traffic will occur at off-peak hours. The town would have no recourse if peak truck traffic actually occurs during rush hours.
(B-152, Bradley Schwartz, Ph.D.)

Response No. 4-146

See previous responses regarding counts at local facilities and hours of operation.

Comment No. 4-147

Also, I am concerned about the possible need for emergency vehicles traveling from the Brewster schools to Putnam Hospital, when time is of the essence.
(B-153, Mary Schwartz)

Response No. 4-147

See Response Nos. 4-7 and 4-61.

Comment No. 4-148

The impact to traffic was modeled at end state also, after the round-about and all buildings are completed and the site is fully operational, which might be the best case scenario. The different stages of the project, per the time tables requested above, will create different scenarios as construction, roads, infrastructure and other factors affect the prevalent conditions.
(B-154, Carlos Passi)

Response No. 4-148

All road improvements would be constructed prior to the occupancy of the first building.

Comment No. 4-149

Also, the [traffic] impact excludes the impact of other developments already approved.
(B-154, Carlos Passi)

Response No. 4-149

Other approved developments are included, see Response No. 4-7.

Comment No. 4-150

Traffic was analyzed, only at the proposed round-about, using Synchro software. While Synchro is well established as a construction scheduling and project management software in the industry, it is not considered a leading traffic modeling tool. The analysis should be completed using an industry leading software like SUMO. The modeling should include the following considerations to get a representative result:

- *What is the traffic impact at the key stages of the project (worst case scenario)?*

- *Impact of commerce seasonality, e.g., Black Friday, Christmas*
- *The traffic modeling as presented is incomplete, as it only looked at the one intersection and only at a subset of the traffic load. The modeling, at the different points of the project, should include in addition to the used truck traffic:*

◦ *The traffic lights at International Boulevard, exit 19, Independent Way and Route 6. It should also include the Caremount and Prospect Hill intersections. The impact of the Caremount traffic going to Independent Way should also be considered.*
◦ *As requested by the City of Patterson, the traffic on Fair street should also be studied.*
◦ *The expected flow of box trucks in and out of the facility.*
◦ *The construction flow at the appropriate stages of the project.*
◦ *The employee traffic.*
◦ *The applicant is making provisions for retail space, which is likely to include drop off/pick up. What are the expected traffic volumes?*
◦ *The volumes associated with approved projects e.g., Crossroad 312, 123 rooms Hotel/124 units assisted care facility, Gateway Summit, The Fairways...*
◦ *Assumption of a 65-70 ft long truck in the modeling.*
◦ *Slower speed of the trucks in the round-about.*
◦ *Snow, Icy conditions.*

(B-154, Carlos Passi)

Response No. 4-150

SUMO is not a NYSDOT approved traffic analysis software. See Responses 4-7, 4-47, 4-72, 4-74, 4-76, 4-134. In addition, the roundabout is no longer proposed.

Comment No. 4-151

The construction of the round-about will create major disruption in the 312 and Pugsley intersection. Also, as designed, the applicant states that it will not accommodate larger vehicles, which will be required to "mount" the round-about. In addition, 312 has a slope which makes it tricky to navigate in icy conditions.

- *When will the construction of the round-about happen and for how long?*
- *What is the required road closure, traffic diversion and mitigation plan during construction?*
- *Have the surrounding towns and emergency services been informed of this disruption and mitigation plan?*
- *What are these larger vehicles, their expected routes and numbers?*
- *Should the round-about be designed to be the appropriate size?*
- *Will the larger vehicles have the radius to turn into Pugsley from 312 southbound?*
- *Will the round-about increase the slope of the approach? Will it make it more difficult for vehicles stopped when yielding at the entrance of the round-about to regain traction in icy conditions?*

- *How will the exit slope affect the ability of empty trucks to exit in icy conditions?*

(B-154, Carlos Passi)

Response No. 4-151

See Responses 4-7, 4-12/13, 4-34. In addition, the roundabout is no longer proposed.

Comment No. 4-152

The applicant is requesting the privatization of Bartlett Road. Since Pugsley/Fields Corner will be closed to through traffic, the only users of Pugsley will be NILC.

- *Should Pugsley also be privatized, thus transferring the road maintenance responsibilities to NILC?*

(B-154, Carlos Passi)

Response No. 4-152

Pugsley Road provides access to other properties, including property owned by the Town and the County.

Comment No. 4-153

The flow of trucks and the associated drivers will create its own challenges. Has the applicant made provisions to deal with this, namely: overnight accommodations, restroom and similar services, food services, truck repair services, refueling, etc.
(B-154, Carlos Passi)

Will there be a fueling station in this facility (diesel I gas)?
(B-164, Dalia Valdajevaite)

Response No. 4-153

An area would be provided for the truck drivers to wait a limited time while a trailer is being loaded and unloaded. See Response No. 3-10 of the Land Use and Zoning Chapter of this FEIS.

Comment No. 4-154

Is the applicant prepared/willing to commit to maintaining the assertions made in the DEIS, for example:
◦ *Will maintain a Level of Service (LOS) "B" at all relevant intersections.*
(B-154, Carlos Passi)

Response No. 4-154

The comment mischaracterizes statements made in the DEIS. The Applicant supports the findings of the analysis presented in the DEIS and this FEIS.

Comment No. 4-155

A table included in the power point presentation (see below) given at the Public Hearing states that the total daily amount of truck trips (tractor-trailer) would be (+/-) 510. In the Full Environmental Assessment Form on Page 7 the number of tractor/trailer trips a day stated is (+/-) 720. What is the correct figure? Also stated in the Full Environmental Assessment form is that the peak truck traffic will be in the evening. The chart below shows the peak time for truck trips is 10am to 3pm. What is the correct information?

Time Period	Hours	Truck Trips/Hour	Total Truck Trips
7:00 AM – 10:00 AM	3	12.7	38 (19 Trucks)
10:00 AM – 3:00 PM	5	50	250 (125 Trucks)
3:00 PM – 6:00 PM	3	11.3	34 (17 Trucks)
6:00 PM – 8:00 PM	2	28	56 (28 Trucks)
8:00 PM – 7:00 AM	11	12	132 (66 Trucks)
Total	**24**	**21.3**	**510 (255 Trucks)**

(B-155, Cathy Croft)

The proposed 500 plus truck trips furthermore, cannot possibly be regulated to 21 per hour for 24 hours, more likely they will be batched in the active arrival hours of from 6 am to 10 am, or the departure hours of 3 pm to 7 pm, despite the well intentioned proposals of the polished and savvy advisors to the developer. And when the resulting morning and evening traffic is congested, where will be the remedy?
(B-142, Steve & Susan Elias)

Response No. 4-155

The 710 trips that were originally projected in the EAFwere superseded with more current data at the time the DEIS was prepared indicating 510 daily truck trips. This FEIS anticipates approximately 130 trips per day, based on 24 hour traffic volumes counted at the Gap facility in Fishkill and the Matrix facility in Newburgh. Truck traffic at these facilities was approximately one third of the projected truck volume per s.f. presented in the DEIS. At both of these facilities, truck traffic is concentrated to the first shift, tapering into the second shift. Both facilities operate 24/7.

Comment No. 4-156

What is the total daily number of all traffic that will be generated by this project, both during the construction phase and the gradual increase of traffic after each warehouse is completed? I would like the figures broken out for Box Trucks; automobiles; Vans; tractor-trailers and any other vehicle I have not listed above.
(B-155, Cathy Croft)

Response No. 4-156

See Response Nos. 4-18, 4-52B, and 4-81.

Comment No. 4-157

While much of the discussions have been on large trucks, will there be smaller trucks riding the local back roads as well to make local deliveries?
(B-156, Patricia Ann Yara)

Response No. 4-157

Any local deliveries are currently being made, see Response No.4-117.

Comment No. 4-158

Truck Route – Can a truck route be established so that all semi's leaving the site are forced to make a left on Route 312 and avoid Route 6 entirely?
(B-158, Eric Larca)

Response No. 4-158

Routes are established by NYSDOT and trucks can currently use Route 6 west of Route 312. However, almost all trucks accessing the site are estimated to travel to I-84, and not use Route 6.

Comment No. 4-159

The FEIS should include specific restrictions to parking overnight on the property. Per AKRF memo, please also include the length of time trucks and trailers will be located onsite.
(B-158, Eric Larca)

Response No. 4-159

Overnight parking by drivers would not be permitted.

Comment No. 4-160

Traffic – I think it's imperative that the mitigation of Route 312 results in better intersection grading then what currently exists. i.e. some of these intersections are listed as a D or F. If the

planned mitigation only maintains an almost failing grade, I would deem that as unacceptable. I would like to see 2 lanes from Route 6 all the way to the westbound entrance of Interstate 84. I understand the replacement of the bridge would be an immense cost and potentially not feasible, however it still needs to be looked at.
(B-158, Eric Larca)

Response No. 4-160

See previous responses, including Response No. 4-7.

Comment No. 4-161

I'm not sold on closing the entrance to Fields Corner Rd. I would like you to explore installing a traffic bar for height restrictions (similar to the parking lot where Gaetano's pizza is located.) This would allow vehicles and emergency responders to pass and would limit most commercial traffic. I would also be in favor of some sort of speed bump/hump between the logistics center entrance and the private homes on Fields Corner Rd.
(B-158, Eric Larca)

Response No. 4-161

The Applicant would abide by whatever means the Town of Southeast prefers to implement this restriction, which is currently height restriction. The requested height restriction barriers would restrict commercial vehicles taller than 12 feet, and would be installed if approved by the Town.

Comment No. 4-162

While I agree traffic circles are safer and more efficient for many reasons, I don't like the design

of this roundabout which includes a stop light. Also, I agree with the DOT comments that large trucks don't fare well in roundabouts.
(B-158, Eric Larca)

Response No. 4-162

See Response No. 4-7. The Applicant is no longer proposing a roundabout.

Comment No. 4-163

Traffic—Route 312 is and has been for some time under development and redevelopment pressure! (volume) the traffic generated both by commercial and residential users of Rte. 312 have been growing for over 20 years.
(B-159, Daniel Armstrong)

But I think both documents need work along with a republication of the fiction and potential of Rte. 312.
(B-159, Daniel Armstrong)

We must continue to deal wisely with our own development and accept the fact that no matter how restrictive we may be with our Town, development, traffic is coming here in volumes which we will have to be prepared to deal with!
(B-159, Daniel Armstrong)

At the minimum I suggest that a Master Plan be developed for Rte. 312 so that a coordinated improvement plan can be considered and developed and adopted. The current placement approach on a development/site fix is not good planning.
(B-159, Daniel Armstrong)

Response No. 4-163

See Response No. 4-7.

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TABLE 4-1S

PROJECTED PROJECT GENERATED HOURLY VOLUMES COMPARISON

Data Source[1]	Land Use[1]	DEIS					FEIS					Reduction [Volume / Percentage]				
		1,124,575 S.F.					933,100 S.F.					(191,475 S.F.) / (17.0%)				
		Project Generation During Peak Hour of NY 312		Peak Hour of Project Generation			Project Generation During Peak Hour of NY 312		Peak Hour of Project Generation			Project Generation During Peak Hour of NY 312		Peak Hour of Project Generation		
		Peak Weekday AM Hour[5] (7:30-8:30 AM)	Peak Weekday PM Hour[6] (5:00-6:00 PM)	Sensitivity Analysis Peak Weekday AM Hour[7][9]	Sensitivity Analysis Peak Weekday PM Hour[8][9]	Peak Saturday Midday Hour[10]	Peak Weekday AM Hour[5] (7:30-8:30 AM)	Peak Weekday PM Hour[6] (5:00-6:00 PM)	Sensitivity Analysis Peak Weekday AM Hour[7][9]	Sensitivity Analysis Peak Weekday PM Hour[8][9]	Peak Saturday Midday Hour[10]	Peak Weekday AM Hour[5] (7:30-8:30 AM)	Peak Weekday PM Hour[6] (5:00-6:00 PM)	Sensitivity Analysis Peak Weekday AM Hour[7][9]	Sensitivity Analysis Peak Weekday PM Hour[8][9]	Peak Saturday Midday Hour[10]
ITE 9th Edition (2012)	Warehouses[2] (ITE Code 150)	337	360	472	506	146	280	299	364	426	121	(57) / (16.9)	(61) / (16.9)	(108) / (22.9)	(80) / (15.8)	(25) / (17.1)
ITE 10th Edition (2017)	Warehouses[2] (ITE Code 150)	-	-	-	-	-	159	177	205	224	47	(178) / (52.8)	(183) / (50.8)	(267) / (56.6)	(282) / (55.7)	(99) / (67.8)
ITE 10th Edition (2017)	High-Cube Warehouse[3] (ITE Code 154)	-	-	-	-	-	75	93	112	149	112	(262) / (77.7)	(267) / (74.2)	(360) / (76.3)	(357) / (70.6)	(34) / (23.3)
Gap/Matrix Facilities Composite[4]	-	-	-	-	-	-	52	24	117	237	-	(285) / (84.6)	(336) / (93.3)	(355) / (75.2)	(269) / (53.2)	-
Average		**-**	**-**	**-**	**-**	**-**	**142**	**148**	**200**	**259**	**93**	**(195) / (57.9)**	**(212) / (58.9)**	**(272) / (57.6)**	**(247) / (48.8)**	**(53) / (36.3)**

Notes:
(1) Institute of Transportation Engineers has been abbreviated to ITE.
(2) Warehouses (ITE Code 150) is defined by ITE as facilities primarily devoted to the storage of materials, but may also include office and maintenance area.
(3) High-Cube Warehouse (ITE Code 154) is defined by ITE as a building that typically has at least 200,000 gross square feet of floor area, has ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods prior to their distribution.
(4) The Gap/Matrix Facilities Composite is based upon the factored volumes of Gap Distribution Center and Matrix at Business Park that were averaged to provide a typical facility representation.
(5) The number of vehicle trips during this peak hour was calculated utilizing ITE data for a weekday during the peak hour of adjacent street traffic (one hour between 7:00 and 9:00 AM). This study analyzes the peak weekday AM hour of 7:30 - 8:30 AM.
(6) The number of vehicle trips during this peak hour was calculated utilizing ITE data for a weekday during the peak hour of adjacent street traffic (one hour between 4:00 and 6:00 PM). This study analyzes the peak weekday PM hour of 5:00 - 6:00 PM.
(7) The number of vehicle trips during the Sensitivity Analysis AM peak hour was calculated utilizing ITE data for a weekday during the AM peak hour of the generator.
(8) The number of vehicle trips during the Sensitivity Analysis PM peak hour was calculated utilizing ITE data for a weekday during the PM peak hour of the generator.
(9) The Sensitivity Analysis condition has been shown and analyzed to represent if the shift changes (peak hour of the generator) occur during the peak hour of adjacent street traffic, which is extremely conservative.
(10) The number of vehicle trips during this peak hour was calculated utilizing ITE data for a Saturday during the peak hour of the generator. This study analyzes the peak Saturday Midday hour of 12:15 - 1:15 PM, which is likely conservative.

TABLE 4-2S

PROJECT GENERATED VOLUMES BY INTERSECTION

Intersection	Peak Hour Analysis Period	2023 No Build Volume (With Crossroads 312)	ITE 9th Edition (2012) Warehouses		ITE 10th Edition (2017) Warehouses		ITE 10th Edition (2017) High-Cube Warehouse		Gap/Matrix Facilities Composite		Average	
			Project Generated Volume	Project Generated Percentage of No Build Volume	Project Generated Volume	Project Generated Percentage of No Build Volume	Project Generated Volume	Project Generated Percentage of No Build Volume	Project Generated Volume	Project Generated Percentage of No Build Volume	Project Generated Volume	Project Generated Percentage of No Build Volume
1. US 6 & NY 312 / NY 312 Extension	Peak Weekday AM Hour of NY 312 (7:30 - 8:30 AM)	2,313	55	2.4%	31	1.3%	15	0.6%	10	0.4%	**28**	**1.2%**
	Peak Weekday PM Hour of NY 312 (5:00 - 6:00PM)	2,796	60	2.1%	36	1.3%	19	0.7%	5	0.2%	**30**	**1.1%**
	Peak Weekday Sensitivity Analysis AM Hour of Project Generation	2,313	72	3.1%	41	1.8%	22	1.0%	23	1.0%	**40**	**1.7%**
	Peak Weekday Sensitivity Analysis PM Hour of Project Generation	2,796	84	3.0%	44	1.6%	29	1.0%	47	1.7%	**51**	**1.8%**
	Peak Saturday Midday Hour of Project Generation	2,863	23	0.8%	8	0.3%	20	0.7%	-	-	**17**	**0.6%**
2. NY 312 & Prospect Hill Road	Peak Weekday AM Hour of NY 312 (7:30 - 8:30 AM)	1,997	55	2.8%	31	1.6%	15	0.8%	10	0.5%	**28**	**1.4%**
	Peak Weekday PM Hour of NY 312 (5:00 - 6:00PM)	2,419	60	2.5%	36	1.5%	19	0.8%	5	0.2%	**30**	**1.2%**
	Peak Weekday Sensitivity Analysis AM Hour of Project Generation	1,997	72	3.6%	41	2.1%	22	1.1%	23	1.2%	**40**	**2.0%**
	Peak Weekday Sensitivity Analysis PM Hour of Project Generation	2,419	84	3.5%	44	1.8%	29	1.2%	47	1.9%	**51**	**2.1%**
	Peak Saturday Midday Hour of Project Generation	2,459	23	0.9%	8	0.3%	20	0.8%	-	-	**17**	**0.7%**
3. NY 312 & Pugsley Road	Peak Weekday AM Hour of NY 312 (7:30 - 8:30 AM)	1,956	280	14.3%	159	8.1%	75	3.8%	52	2.7%	**142**	**7.3%**
	Peak Weekday PM Hour of NY 312 (5:00 - 6:00PM)	2,375	299	12.6%	177	7.5%	93	3.9%	24	1.0%	**148**	**6.2%**
	Peak Weekday Sensitivity Analysis AM Hour of Project Generation	1,956	364	18.6%	205	10.5%	112	5.7%	117	6.0%	**200**	**10.2%**
	Peak Weekday Sensitivity Analysis PM Hour of Project Generation	2,375	426	17.9%	224	9.4%	149	6.3%	237	10.0%	**259**	**10.9%**
	Peak Saturday Midday Hour of Project Generation	2,415	121	5.0%	47	1.9%	112	4.6%	-	-	**93**	**3.9%**
4. NY 312 & Caremount Driveway	Peak Weekday AM Hour of NY 312 (7:30 - 8:30 AM)	2,068	225	10.9%	128	6.2%	60	2.9%	42	2.0%	**114**	**5.5%**
	Peak Weekday PM Hour of NY 312 (5:00 - 6:00PM)	2,477	239	9.6%	141	5.7%	74	3.0%	19	0.8%	**118**	**4.8%**
	Peak Weekday Sensitivity Analysis AM Hour of Project Generation	2,068	292	14.1%	164	7.9%	90	4.4%	94	4.5%	**160**	**7.7%**
	Peak Weekday Sensitivity Analysis PM Hour of Project Generation	2,477	342	13.8%	180	7.3%	120	4.8%	190	7.7%	**208**	**8.4%**
	Peak Saturday Midday Hour of Project Generation	2,468	98	4.0%	39	1.6%	92	3.7%	-	-	**76**	**3.1%**
5. NY 312 & Independent Way / I-84 EB Ramp	Peak Weekday AM Hour of NY 312 (7:30 - 8:30 AM)	3,128	225	7.2%	128	4.1%	60	1.9%	42	1.3%	**114**	**3.6%**
	Peak Weekday PM Hour of NY 312 (5:00 - 6:00PM)	3,685	239	6.5%	141	3.8%	74	2.0%	19	0.5%	**118**	**3.2%**
	Peak Weekday Sensitivity Analysis AM Hour of Project Generation	3,128	292	9.3%	164	5.2%	90	2.9%	94	3.0%	**160**	**5.1%**
	Peak Weekday Sensitivity Analysis PM Hour of Project Generation	3,685	342	9.3%	180	4.9%	120	3.3%	190	5.2%	**208**	**5.6%**
	Peak Saturday Midday Hour of Project Generation	4,146	98	2.4%	39	0.9%	92	2.2%	-	-	**76**	**1.8%**
6. NY 312 & I-84 WB Ramp	Peak Weekday AM Hour of NY 312 (7:30 - 8:30 AM)	2,039	135	6.6%	76	3.7%	36	1.8%	25	1.2%	**68**	**3.3%**
	Peak Weekday PM Hour of NY 312 (5:00 - 6:00PM)	2,771	117	4.2%	70	2.5%	37	1.3%	9	0.3%	**58**	**2.1%**
	Peak Weekday Sensitivity Analysis AM Hour of Project Generation	2,039	168	8.2%	95	4.7%	52	2.6%	54	2.6%	**92**	**4.5%**
	Peak Weekday Sensitivity Analysis PM Hour of Project Generation	2,771	163	5.9%	86	3.1%	57	2.1%	91	3.3%	**99**	**3.6%**
	Peak Saturday Midday Hour of Project Generation	2,695	56	2.1%	22	0.8%	52	1.9%	-	-	**43**	**1.6%**
7. NY 312 & International Boulevard	Peak Weekday AM Hour of NY 312 (7:30 - 8:30 AM)	1,456	19	1.3%	10	0.7%	5	0.3%	3	0.2%	**9**	**0.6%**
	Peak Weekday PM Hour of NY 312 (5:00 - 6:00PM)	1,643	20	1.2%	12	0.7%	6	0.4%	2	0.1%	**10**	**0.6%**
	Peak Weekday Sensitivity Analysis AM Hour of Project Generation	1,456	25	1.7%	14	1.0%	8	0.5%	8	0.5%	**14**	**1.0%**
	Peak Weekday Sensitivity Analysis PM Hour of Project Generation	1,643	29	1.8%	15	0.9%	10	0.6%	16	1.0%	**18**	**1.1%**
	Peak Saturday Midday Hour of Project Generation	1,541	8	0.5%	3	0.2%	7	0.5%	-	-	**6**	**0.4%**

Notes:
(1) Project Generated Volumes for the FEIS are described on Table 4-1S.
(2) The Peak Hour Analysis Periods are the analysis periods from the Traffic Study.

COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD

TOWN OF SOUTHEAST, NEW YORK

AERIAL EXHIBIT

DATE: 03/2019

JMC PROJECT: 14012

FIGURE: A-1

SCALE: 1" = 100'

120 BEDFORD RD
ARMONK
NY 10504

(914) 273-5225
fax 273-2102

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14012-HIGHWAY.dwg; AERIAL-FIG-TWOLNS.tab; EX-AERIAL.scr

COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD

TOWN OF SOUTHEAST, NEW YORK

CONCEPTUAL TRAFFIC SIGNAL ALTERNATIVE A IMPROVEMENTS

DATE: 03/2019

JMC PROJECT: 14012

FIGURE: CHP-1

SCALE: 1" = 100'

120 BEDFORD RD
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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD

TOWN OF SOUTHEAST, NEW YORK

CONCEPTUAL TRAFFIC SIGNAL ALTERNATIVE B IMPROVEMENTS

DATE: 03/2019

JMC PROJECT: 14012

FIGURE: CHP-2

SCALE: 1" = 100'

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III.5 Visual Resources

Comment No. 5-1

The FEIS should include an analysis of potential visual impacts from the following locations:

- *Nelson Boulevard*
- *Drewville Road*
- *NYS Route 6 as it crosses over the Middle Branch Reservoir*
- *Hunter's Glen*
- *Tilly Foster Farm*

(B-1, AKRF)

Response No. 5-1

Visual analyses from these locations have been prepared as requested and are provided in Chapter II.D. The analyses are based on a synthesis of photos taken at various locations with the same computer modeling utilized in the DEIS, as updated to reflect the reduced Preferred Alternative Plan. The computer simulations utilize existing and proposed topographic information, as well as Light Detection and Ranging (lidar) data, to demonstrate the relationships between the various viewpoints and the proposed buildings. The computer simulations show existing grades to remain, and the potential visibility with and without vegetation (see Figures II.D-1 through II.D-4 and II.D-7 through II.D-18).

Comment No. 5-2

Additional screening between Tilly Foster Farm and the proposed project should be considered. (B-1, AKRF)

My final objection to this project is about its close proximity to the ***Tilly Foster*** *farm. Several years ago the people of Putnam County voted to preserve "open space" and with the funds approved purchased the* ***Tilly Foster*** *farm. I would like to see zoning and development adjacent to our "open space" investment better protected from projects that detract from this purpose.*
(B-67, William Heath)

Reminding the Planning Board of the responsibility of balancing the costs and benefits. But there is one additional factor: how does Northeast Logistics enrich, enhance and harmonize with county plans to establish Tilly Foster as a tourist, hospitality venue and educational institute, not a few hundred feet from Northeast Logistics buildings on Pugsley/Barrett Rds and semitrailers with their noise, lights using Rte 312?
(B-117, Ann Fanizzi)

It [Tilly Foster Farm] will likely receive the most impact from the constant lighting.
(B-142, Steve & Susan Elias)

Viability of Tilly Foster Farm as open space, tourist and hospitality venue, and education facility, (now next to an industrial site).
(B-154, Carlos Passi)

<u>Response No. 5-2</u>

The closest proposed building, Building A, is approximately 2,850 feet from the clustered buildings within Tilly Foster Farm, approximately 3,125 feet from the closest ancillary building in Tilly Foster Farm, and approximately 2,210 feet from the closest property line of Tilly Foster Farm. As discussed in Response 5-1, the proposed buildings are not expected to be visible from Tilly Foster Farm during any season (Figures II.D-13 through II.D-16).

The project would be dark sky compliant. The pole mounted parking lot lighting has been reduced from 30 feet to 20 feet by the Applicant in response to the comments expressed. As such, the project would not cause any light spillage onto Tilly Foster Farm.

Comment No. 5-3

Conservation easements over the undeveloped land should be considered as a means to both protect the environmentally sensitive areas as well as to preserve the remaining open space and to ensure that the buffer remains between the proposed project and nearby residential areas.
(B-1, AKRF)

The open space that you're mentioning. So let's say your facility is really successful, and you decide you want to build another warehouse. Is this open space available? Can you build on it, or are you guys actually going to say it's never going to be built on? Is that open space going to be deforested? Because it's saying open space, it's not going to be developed, doesn't mean that you guys aren't going to clearcut it. So you didn't mention anything in your talk. It's open space. You're not going to develop it, but you may clearcut some of it. Or is that - - none of that going to be clearcutting?
(B-2, PH #1, Ms. Woodgate)

You didn't talk about the open space. What are you going to do with that? Are you going to dedicate it as open space?
(B-2, PH #1, Ms. Armstrong)

You're proposing a great deal of open space. I think you need to provide us assurances that nothing will be developed there going forward and that you're not going to appeal down the road, like you're doing right now on our zoning, to make that go away, and that can be then developed.
(B-2, PH #1, Mr. Gosselink)

So if it's right for your business to then continue to develop the other sites that are not currently on the plan with the building structures, so the other two that come closer to where I am, there is no - - there's no stopgap to limit or restrict once that – once you pass through all of the phases to the other two - - for the other three buildings.

And so I would encourage if there's a possibility for the other sections of the property to be have a - - a more conditional restriction placed on them, so that they would have to go through another process like this if they were going to be building more buildings on those other sites and go through everything again.
(B-2, PH #1, Ms. McCarthy)

I think it'd really benefit the environmental impact, with 80 percent of it being open space.
(B-3, PH #2, Ms. Miller)

See guarantees for the open space.
(B-3, PH #2, Ms. Fay)

When you say "no build," what will go legally in place so that there is no build?
(B-3, PH #2, Ms. Jacobs)

But last time, 80 percent open space designation. And I'm really interested in knowing if that's a permanent designation, because, at any point, it could be expanded.
(B-3, PH #2, Ms. Aurello)

The point I wanted to bring up that nobody brought up is the Town of Southeast spent $2.2 million for a piece of land on Pugsley Road for open space.

I mean, when I think of open space, I think of a place where I can have quiet enjoyment, where I can go to sit and read a book, have a cup of coffee. And with 84 on one side and 500-plus trucks on the other side, what is going to be the value of our open space?

It's unused because of 84. This will make it even worse.
(B-3, PH #2, Mr. Matusus)

If the remaining open space is put into conservation easements does the applicant expect tax breaks?
(B-147, Lynne Eckardt)

One of the stated benefits of the proposed plan versus other alternatives is that 80% of the site will be left as open space (264 acres). However, the marketing materials for the project as represented by CBRE (the largest commercial real state services and investment firm in the world), offer the Northeast International Logistic Center as an "Industrial Development Opportunity; 4 buildings. 1.1M sf and 250 acres". This seems to contradict the statement made by the applicant, giving the impression that longer term there is no intention to maintain the 265 acres as open space.
(B-154, Carlos Passi)

What is the applicant's vision for the site?
(B-154, Carlos Passi)

Is the applicant prepared/willing to commit to maintaining the assertions made in the DEIS, for example:
◦ *80% of the site will always remain as open space – with the corresponding zoning change*
(B-154, Carlos Passi)

We need to keep the dwindling open space we have now in this area. We don't need to build on every available open space.
(B-160, Donald and Donna McAlphin)

Could there be further building added at a future date?
(B-164, Dalia Valdajevaite)

Response No. 5-3

The Town intends to require as conditions of Special Permit and Site Plan Approval, the provision of "non-development" areas to protect natural resources and to provide a buffer around the development footprint. As shown in Figure I-7 in Chapter I of this FEIS, the Applicant would be willing to commit approximately 172 acres as permanent "no development" areas within the 328 acres of the Applicant's property. This is considered a significant concession by the Applicant in response to requests that the project not be expanded beyond the present application, even though the proposed site coverage is substantially below the coverage permitted by zoning.

The "non-development" areas would prevent the Applicant from expanding the proposed building development subsequent to the completion of the project to those areas.

Sixty-one percent (61%) of the OP-3 portion of the Applicant's property (approximately 139.4 acres) would remain completely undisturbed throughout the development process. Following development, approximately eighty percent (80%) of the approximately 229-acre OP-3 portion of the Applicant's property would remain open space, either in a natural or landscaped state. No other land use program for the property would protect as much of the property as the proposed project.

Two Town-owned parcels located on the east side of Pugsley Road and Fields Corner Road shown on Figure I-7 total approximately 156 acres, which, combined with the open space on the Applicant's property, would provide a vast land area for wildlife and preserve the rural character of this portion of the Town.

Comment No. 5-4

Now, when I was looking at your presentation and I shouldn't really be directing it to you, but to the second gentleman. Okay. There, you had little boxes, and those little boxes were Hunters

Glen. You said not one single word about any impact on those residences in Phase 5, Phase 6, and Phase 7.
(B-2, PH #1, Ms. Fanizzi)

I did see the conspicuous absence of Hunters Glen on the ridgeline. That's the most important thing to me.

We have buildings that I'm hearing now are 1200 feet away, but we don't know what the topography is from our back line on Hickory Hollow, Bayberry Court, Applewood Circle, Chestnut Drive, et cetera. So we would really need to see that before we can say anything

further. It seems like a dramatic impact on us.
(B-2, PH #1, Mr. Catalano)

Considering the visual analysis, the Hunters Glen development was actually not included in the visual analysis.
(B-3, PH #2, Mr. Kenny)

With construction and a 24/7 operation you can also add … lights.
(B-66, Lori Pesick-Pierro)

At the hearing Seabury Partners representatives made no mention of Hunter's Glen, yet had shown several minutes of video depicting potential views of the site from driving on Interstate 84.
(B-69, Joseph Esposito)

I also attended the public hearing July 23rd, and again was insulted by the presentation depicting potential views of the project from highway 84, neighborhoods over a mile away, and yet very little mentioned about the impact to my community, which is about 1200 feet from the site.
(B-69, Joseph Esposito)

Lighting: Every effort must be implemented to reduce adverse lighting impacts to the residences at Hunters Glen. We request that all light poles in the rear of the buildings be lowered in height and that any lighting be minimized to the greatest extent possible. Moreover, we request that any approval be strictly conditioned on lighting not spilling onto adjoining properties as a condition of any permits.
(B-98, Snyder & Snyder)

We prefer not to have the light pollution (in our dark, country nights).
(B-139, Tonia Olsoe-Rubeo)

Light.
(B-139, Tonia Olsoe-Rubeo)

Light [from Hunters Glen].
(B-168, Christine Caso)

I would see the lights of the building, especially in the winter [from Hunters Glen].
(B-169, Stacy Bisio)

I live in Twin Brook Manor, in unit 406. Unit 406 is on the Eastern side of Twin Brook Manor, directly abutting the proposed logistics center site.
(B-175, Jeffrey Castellano)

My unit is located, on the Southeastern end will undoubtedly be most affected in terms of light [pollution].
(B-175, Jeffrey Castellano)

Response No. 5-4

As analyzed in Chapter II.D and indicated in Response 5-1, the Applicant has made a substantial effort to evaluate potential views from Hunters Glen, Twin Brook Manor, as well as other locations. Figures II.D-5 through II.D-6B are photos taken by a drone flown at the center (west side), southwest, and northwest corners of Building B at the height of the top of the proposed buildings, facing the Hunters Glen and Twin Brook Manor developments. The photos demonstrate that the Twin Brook Manor units cannot be seen, the large majority of Hunter Glen units cannot be seen, and relatively few windows are visible from the uppermost points of the proposed buildings.

The proposed buildings would not be visible from the vast majority of units within Hunters Glen with the leaves on condition. Ground photos were taken within Hunters Glen, and Figures II.D-7 and II.D-8 show the view from the entrance to the development as well as from the closest units, which are more than 1400 feet from the proposed buildings, with the proposed building perimeters superimposed for illustrative purposes on the photos. During the winter leaf-off condition, there will likely be limited views from a small proportion of the units. However, existing tree branches would minimize the potential visibility of the buildings during leaf-off conditions, as shown in Figures II.D-9 and II.D-10.

Figure II.D-11 and II.D-12 show that the proposed buildings would not be visible from the closest units in Twin Brook Manor in the leaves on or off condition since Building B has been relocated approximately 600 additional feet from Twin Brook Manor (for a distance total of approximately 1,200 feet) at the suggestion of the Town.

In an effort to provide assurance to the residents of the Hunters Glen and Twin Brook Manor developments, as well as the Town, the Applicant is willing to place funds in

escrow for the planting of up to 50 evergreen trees (total) to be planted, if desired, within the Hunters Glen and Twin Brook Manor developments. The locations of trees to be planted would be determined by a consensus of the Planning Board, or its designee, and the presidents of the Homeowners Associations of these communities. The Planning Board would consider a proportional division of the 50 trees or other applicable criteria. It is recommended that the escrow be funded for up to one year subsequent to the completion of Building B.

The project would be dark sky compliant. Wall pack lights are no longer proposed on the western and northern sides of Building B in response to comments from the residents of Hunters Glen and Twin Brook Manor, and the pole mounted parking lot lighting has been reduced from 30 feet to 20 feet high.

In addition, the proposed lighting would not shine onto adjacent properties. The proposed LED lighting would be positioned and shielded to minimize any visibility of the light fixtures; and, the lighting would be carefully aimed to areas where needed and not spill light into areas that do not need illumination.

Comment No. 5-5

So just to make a statement: I am against this project. I love the rural nature of our community. I love it here, and it's a shame to ruin it.
(B-2, PH #1, Ms. Woodgate)

And our hills – this is a land of hills and valleys. They're all beautiful. Let's keep them that way.
(B-2, PH #1, Ms. Rabinowitz)

I moved to Putnam County in 1979, about 39 years ago because of the natural beauty and tranquil nature of the community character.
(B-47, Susan Newman)

Environmental/natural surroundings greatly affected.
(B-48, Charles DiDonato & Marie DoDonato)

We all came to Putnam County for the beauty & serenity of this area.
(B-49, Lori Fava)

Will be visibly unpleasant throughout the area.
(B-52, Lawrence Martinez)

An endeavor such as this would require altering the natural landscape way beyond anything reasonable.
(B-58, Angela Cuomo)

Beauty, tranquility and aesthetics.
(B-58, Angela Cuomo)

The developer says that the proposed traffic improvements would maintain the "rural character" of Route 312. Does a giant traffic circle on Route 312 right next to Tilly Foster Farm and the "amendments to traffic rules to facilitate the traffic flow of 510 tractor trailer trucks" per day really "maintain the rural character" of Route 312?
(B-89, Challen Armstrong)

Not to mention the visual impact it will have to the area.
(B-101, Jack Pizzicara)

I moved to Southeast because of its rural beauty and peacefulness.
(B-109, Elena Tezzi)

Why in the world would you want to build this monstrosity in the middle of an area surrounded by private homes, schools and condominiums?
(B-109, Elena Tezzi)

And it will be a blight on the landscape.
(B-114, Juliet Aguiar)

What happened to our beautiful rural towns that all of us move here to enjoy?
(B-119, Janis Yamuder)

The beauty and quietness is what draws people here.
(B-148, Elena Tezzi)

Response No. 5-5

As set forth in the Introduction to this Section and in Response 5-1, the Preferred Alternative Plan would be minimally, if at all, visible from the majority of locations off-site. The project would not be visible from Route 312. Building A, which is the closest proposed building to Route 312, would be approximately 2,150 feet from Route 312. Additionally, intervening topography and vegetation would result in Building A being invisible from Route 312. As explained in Response 5-1 and 5-4, the project would not be visible from the vast majority of Hunters Glen during a leaves on condition and would be minimally perceptible during the winter. The project would not be visible from Twin Brook Manor in either a leaves off or leaves on condition. The buildings would be at least 1,200 feet from the closest unit in Twin Brooks Manor and 1,440 feet to the nearest Hunters Glen unit.

Sixty-one percent (61%) of the OP-3 portion of the Applicant's property (approximately 139.4 acres) would remain completely undisturbed throughout the development process. Moreover, following development, approximately eighty percent (80%) of the approximately 229-acre OP-3 portion of the Applicant's property would remain as open space either in a natural or landscaped state. To even further reduce the project's visual impacts, as described in Response 5-3, the Town intends to require as conditions of Special Permit and Site Plan Approval that "non-development" areas be provided should

the Town approvals of the project be substantially consistent with the project as presented in the FEIS. As shown in Figure I-7, the Applicant would be willing to commit approximately 172 acres as permanent "non-development areas" within the 328 acres of property as part of a project approval. This is considered a significant concession by the Applicant in response to requests that the project not be expanded beyond the present application, even though the proposed site coverage is substantially below the coverage permitted by zoning.

Two Town-owned parcels located on the east side of Pugsley Road and Field Corner Road shown on Figure I-7 total approximately 156 acres directly across from the Applicant's property, which combined with the open space on the Applicant's property provide a vast land area for wildlife and the preservation of the rural character of this portion of the Town.

The project is further obscured from the community by virtue of topography. Other areas in the vicinity of the site are at higher elevations than the site. For example, the existing wooded Town of Southeast-owned parcel located adjacent to the site, on the east side of Fields Corner Road, the north side of Zimmer Road/Barrett Road and the west side of I-84, has a ground elevation at the highpoint of approximately 810, more than 130 above the highest proposed finished floor elevation 672.5. Accordingly, the Town property provides screening of the proposed buildings from I-84 and other locations. North of the site, a large undeveloped wooded property has a ground elevation of approximately 850, more than 170 above the proposed finished floor elevation 672.5.

The two buildings are currently proposed to have the loading docks facing away from any residential development, and the buildings would act as a sound barrier from the trucks at the site, as well as for the approximately 9,000 truck trips that already occur daily along I-84.

Most of the areas on the site that are proposed to be developed are former farm fields. These areas currently consist primarily of brush and invasive vines, not woods or trees that would need to be clear cut. Moreover, the Applicant proposes to plant substantial amounts of trees and shrubs as part of its project and to restore and enhance habitat area.

The project would be in harmony with other commercial development in the area, and consistent with the 2014 Comprehensive Plan Update's recommendation that this area serves as a "node of commercial activity" (See CPU, at Figure 7-1.) Similar uses exist in this portion of the Town. For example, the Ace Endico warehouse, Unilock and other developments are located along International Boulevard, which intersects Route 312 east of the I-84 interchange near Interstate 84, as Pugsley Road intersects Route 312 approximately one quarter mile west of the I-84 interchange.

In terms of existing wildlife and the environment, the Applicant has committed to restoring habitat throughout the site, including removing the invasive plant species that presently dominate much of the upper portion of a wetland adjacent to Barrett Road. To protect the Northern long-eared bat, which may use the site for roosting during the summer, Putnam Seabury has also committed not to cut potential roost trees during the bat pup's rearing months.

Comment No. 5-6

I'd like to find out what that view is like from the middle of Maple Road.
(B-2, PH #1, Mr. Cuomo)

But what about the views for a hundred golfers a day at Centennial Golf Club and the shoppers at Kohl's?
(B-76, Jackie Kaddatz)

This information makes us question the boards commitment to preserve the beauty and peaceful nature of this community and our decision to move here.
(B-132, Robert Mundy and Barbara Mundy)

Please provide additional view sheds:

- *Hunters Glen*
- *Centennial Golf Course*
- *Tilly Foster Farm*

(B-158, Eric Larca)

Response No. 5-6

Views from the majority of Maple Road were analyzed in a video presented at Town Board and Planning Board meetings, and are depicted in Figures II.D-17 and Figures II.D-18. The figures show that the project would be minimally if at all visible. Existing vegetation along much of Maple Road further minimizes the views of the proposed development.

The views of the golf course are shown in the drone photographs referenced in Response 5-1. Here, the upper portions of Building B would be visible from portions of the Centennial Golf Course, which is a private facility. Tilly Foster Farm's views are discussed in Response 5-1.

The extensive view analyses from many vantage points up to two miles from the site required by the Town Board and Planning Board as part of the review process, which has involved many meetings over more than 12 months to date, demonstrates the boards' unquestionable commitment to evaluating the anticipated views of the project.

<u>Comment No. 5-7</u>

I think Hunters Glen is about 1200 feet away, so I'd like to hear more about the impact from lights from Hunters Glen.
(B-2, PH #1, Mr. Esposito)

We're also concerned about visual impacts at night. I understand that the lighting will be projected downward, but we'd like to see some depictions of how that would look from Twin Brook's property.
(B-2, PH #1, Mr. Waldinger)

Neon lights
(B-3, PH #2, Ms. Croft)

The light issue is still out there. We don't know what lack of light at night means.
(B-3, PH #2, Ms. Fay)

Its … lights.
(B-58, Angela Cuomo)

Night time lights.
(B-64, Samantha Jacobs)

Light pollution.
(B-64, Samantha Jacobs)

***Light pollution** from the project, during and after construction, could have a negative impact on residents' ability to see the night sky. Light pollution is also known to disturb the migratory patterns of birds and the natural behaviors of birds and insects native to the area.*
(B-104, Nathalie Del Vecchio and Roberto Molina)

And all lighting will be dimmed at night and be dark-sky compliant.
(B-107, Twin Brooks Homeowners Association, Inc.)

Very bright lights 24/7.
(B-114, Juliet Aguiar)

Light pollution would be horrendous, especially with idling engines.
(B-134, Jon Scalzitti)

The impact to our standard of living to lighting.
(B-135, Alison Yara)

And complete night lighting.
(B-142, Steve & Susan Elias)

I live about 1 mile from the site and I am very concerned about the light pollution.
(B-176, Dr. Bernadette Brandon)

The light pollution is also very concerning. Even with downward facing lights, an industrial complex of that size will produce substantial light pollution.
(B-176, Dr. Bernadette Brandon)

Light pollution.
(B-179, Alice Brandon)

Light [pollution].
(B-180, Dr. Chelsea Laber)

Response No. 5-7

There would not be neon lights in the proposed project. See Response 5-4 for a discussion of the proposed lighting mitigation, including modifications to the proposed lighting design to minimize the visibility of the site lighting and light spillage. The project would be dark sky compliant, as specified on the Site Lighting Plans (see full-sized drawings C-601 through C-605) and the lighting details #53 and #54 on drawing C-903 Construction Details, which contain the seal of approval of the International Dark-Sky Association. There would be light shielding to direct light down, not above the fixture. The lighting would be LED and there is a luminaire schedule that would confirm that the proposed lighting color is dark sky compliant.

Comment No. 5-8

I know, Dan, you were going to get me some information on the water tank. The water tank, I believe, will be visible from Pugsley Road. And we've had problems in this town with water tanks, so that's – I know you're going to get me some information on that.
(B-2, PH #1, Ms. Eckhardt)

WATER TANK:

1) A conceptual rendering of the water tank should be provided.

2) Please indicate in a rendering how far it will be from Pugsley Road and Barrett Road.

3) While the ARB will make recommendations on color please indicate what will be proposed.
(B-147, Lynne Eckardt)

A 269,000-gallon water storage tank is proposed for the site. How tall is the water tank? What color is the tank? Will the tank be buried in the ground? Is there a landscaping plan proposed to conceal the tank?
(B-155, Cathy Croft)

Response No. 5-8

A rendering of the water tank from the Pugsley Road/Barrett Road intersection is included in Figure III.5-1. The proposed tank would be located approximately 3,950 feet from Pugsley Road. To minimize views of the tank from Pugsley and Fields Corner Roads, the tank would be forest green and evergreens would be planted around the perimeter of the water tank. The proposed water tank color and planting plan would be subject to review and approval by the Planning Board and Architectural Review Board.

The proposed water tank has an actual capacity of 303,700 gallons. The tank is approximately 42 feet in diameter, and the tank walls 30 feet in height. The roof of the tank is comprised of a five to six foot tall dome—bringing the height to 36 feet—with a 42-inch handrail near the peak. Therefore, the total height including the handrail would be approximately 40 feet. This is below the 45-foot maximum height permitted in the OP-3 district.

The water tank would not be visible from Route 312, Hunters Glen, or Twin Brook Manor.

Comment No. 5-9

I love the idea of possibly having a green roof so you don't see it at all.
(B-3, PH #2, Mr. Cyprus)

Response No. 5-9

As described in the DEIS, the colors of the buildings are proposed to further minimize the visibility of the buildings and contribute to their blending into the surroundings. The buildings would be predominately medium to dark green as well as grey colors. The green colors would be similar to natural green colors of vegetation. The proposed color scheme is subject to review and recommendation of the Town Architectural Review Board. The roofs of the buildings would not be visible, except potentially from remote private properties that would likely not be able to distinguish the color of the roof.

Comment No. 5-10

This monstrosity will be in view of my condo. (54 Enoch Crosby Road)
(B-3, PH #2, Ms. Croft)

This monstrosity will be in view of my condo. [Hunters Glen]
(B-35, Christine Capuano)

Response No. 5-10

See Response 5-1 and 5-4. Enoch Crosby Road is between 1.5 to 2 miles from the site and there are extensive areas of mature trees that will remain between the roadway and the site to minimize any views of the proposed buildings.

Comment No. 5-11

There's very low visual impact.
(B-3, PH #2, Ms. Miller)

Response No. 5-11

Comment noted.

Comment No. 5-12

The site line from Simpson Road, Hunters Glen, 1500 feet from the site, was brought up in the July 9th meeting and was not addressed in tonight's meeting.
(B-3, PH #2, Ms. Fay)

Response No. 5-12

See Response 5-4.

Comment No. 5-13

I would like for you to let me understand, how far back from Twin Brook are you going to be? Because this is right at my bedroom window.
(B-2, PH #1. Ms. Pentavelli)

Twin Brook will be particularly adversely affected by the proposed zoning modification, especially since the construction area would affect the buffer area that currently exists between our homes and one of the buildings that is being proposed.
(B-107, Twin Brooks Homeowners Association, Inc.)

We wish to underscore that as residents who abut this property, we stand to lose the very nature of the community we purchased many years ago - a community that includes a long entry of wooded area, buffered from the area around us, and typical of so much of the Town of Southeast.
(B-107, Twin Brooks Homeowners Association, Inc.)

Response No. 5-13

See Response 5-4.

Comment No. 5-14

Our beautiful Forest land will become a concrete eyesore.
(B-28, Anthony Capizzi)

Response No. 5-14

See Response 5-5.

Comment No. 5-15

Will these warehouses be visible? At least two of these warehouses will be built on our ridgelines and will be visible from areas around Brewster including the Putnam Trailway, Sunset Drive and Maple Road.
(B-34, Concerned Residents of Southeast)

The Northeast Interstate Logistics Center will be seen from many locations as well.
(B-118, Cherie Ingraham)

Response No. 5-15

See Response 5-1.

Comment No. 5-16

Ruin the landscape.
(B-50, James Borkowski)

Ridgeline Protections

The Town of Southeast enacted ridgeline protections after the construction of the Brewster Home Depot/Kohl's commercial complex on Independent Way, near this proposed project. Like an ugly Parthenon atop a hill, the Home Depot dominates the landscape for miles, and can be seen daily by thousands of motorists on I-84. After seeing the negative visual impact of such building, the Town strove not to repeat building along its many scenic ridgelines. This project, with over 1.1 million square feet, entails not one, but two warehouses to be built along a ridgeline. These two unsightly warehouses will be visible for miles.
(B-50, James Borkowski)

Response No. 5-16

See Response 3-6. The Applicant's proposal is consistent with the ridgeline protection provisions under the Town Code (see Figures II.B-1 and II.B-2). The Town's ridgeline protection provisions are aimed at minimizing off-site visual impacts to the maximum extent practicable. Both the Town's Comprehensive Plan Update (CPU) and Town Code Section 138-12.1 establish that development is permitted within ridgelines, so long as it is "adequately protecting viewsheds." The CPU specifically states that future development should be regulated "to ensure that it is adequately protecting viewsheds while allowing for reasonable development of a site." (CPU, at 5-12.) The CPU recommends specific provisions to implement this goal, which the proposed project is implementing. These include siting buildings to minimize intrusions into viewsheds by taking advantage of topographic changes and existing vegetation, placing buildings strategically to maintain harmony between the built and natural environment, avoiding

"excessive clearing" (i.e., the removal of more than 10 trees per quarter acre of disturbed land), and utilizing "dark sky" compliant lighting. (See CPU, at 5-12.)

Consistent with the CPU's intent of minimizing offsite visual impacts while allowing reasonable development, the Town Code establishes that buildings and structures within any area defined as ridgeline are not, "to the maximum extent practicable, [to be] visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area from surrounding property or public rights-of-way in adjoining lowlands or adjoining ridgelines." (See Town Code § 138-12(I).) As such, the Town Code specifically allows development along the top of ridgelines and/or regrading portions of the ridgeline, so long as the buildings or structures developed through such construction activities are not, to the maximum extent practicable, visible from surrounding properties, public rights-of-way, or adjoining ridgelines.

The proposed project conforms to this goal. The Applicant proposes to construct Building A below the top of the ridgeline, which is proposed to remain, and Building B is to be constructed at the top of the ridgeline, but below the existing grades. This reduces the buildings' visibility along the ridgeline, and, as a result, the project is minimally visible off-site. (See DEIS Volume I, I-9 to I-10.)

The proposed project includes the following additional measures to comply with the intent of the ridgeline protection provisions:

- buildings would be approximately five feet lower than permitted;
- finished floor elevations would be substantially below the existing tops of the ridgelines;
- trees would be removed at a ratio substantially below the maximum number of trees permitted by the Town;
- existing trees within the ridgeline and adjacent areas would be preserved where practicable providing a substantial buffer from the roadways and nearby residences;
- muted colors are proposed;

- retaining walls would be used to minimize grading;
- evergreen and deciduous tree plantings are proposed around the site; and
- dark-sky friendly site lighting would be utilized.

Moreover, topography in the area would further reduce the project's visual impacts. While the proposed buildings are within the on-site ridgelines, other areas in the vicinity of the site are at higher elevations. For example, the existing wooded Town of Southeast owned parcel located adjacent to the site, on the east side of Fields Corner Road, the north side of Zimmer Road/Barrett Road and the west side of I-84, has a ground elevation at the highpoint of approximately 810, more than 130 above the highest proposed finished floor elevation 672.5. Accordingly, the Town property provides screening of the proposed buildings from I-84 and other locations. North of the site, a large undeveloped wooded property has a ground elevation of approximately 850, more than 170 above the finished floor elevation 672.5.

Again, the project would have limited visibility from the majority of locations within Hunters Glen and would be imperceptible from Twin Brook Manor. Any visual impacts would be further minimized by the preservation of substantial areas of existing mature trees and habitat as well as additional proposed evergreen landscaping planted in the "gaps" where the buildings might be visible.

Comment No. 5-17

Forever changing the daily views of residents, such as Brewster Hill, Hunters Glen, Twin Brooks and many smaller streets like Maple Street. Instead of rolling hills, residents will have a view of a warehouse.
(B-64, Samantha Jacobs)

Response No. 5-17

See Responses 5-1 and 5-4.

Comment No. 5-18

Is it fair to the residents whose property butt up against the NIL and will have permanent views of warehouses, trucks.
(B-64, Samantha Jacobs)

Response No. 5-18

As described in Response 5-4, residential developments are a minimum of 1,200 feet from the nearest proposed building and the overwhelming majority of residents of both developments would not be able to see the project at any time of year.

Comment No. 5-19

It will blast off two scenic ridge tops in the Ridgeline Protection Overlay District.
(B-68, KK Dorkin)

Destroy the ridgelines.
(B-70, Helen Dorkin)

And ridge line disruption.
(B-139, Tonia Olsoe-Rubeo)

The project will alter two ridgelines on the property.
(B-142, Steve & Susan Elias)

[I am not in favor of] the modification of ridgelines within the Ridgeline Protection Overlay District.
(B-173, Beth Mazzei)

Don't change our zoning laws in exchange for bare tree ridges.
(B-174, Christine Capuano)

Deforesting, and ridge line ruination.
(B-179, Alice Brandon)

Response No. 5-19

See Response 5-16.

Comment No. 5-20

The warehouses will be visible from neighborhoods like Brewster Hill, Hunters Glen, and Twin Brook Court and will be adjacent to Tilly Foster Farm, which the county just spent $2 million to convert into a banquet facility without realizing it would be located next to an industrial eyesore.
(B-68, KK Dorkin)

Reducing the quality of life for homeowners near the NIL project, ruining their views.
(B-70, Helen Dorkin)

Response No. 5-20

See Responses 5-1 and 5-4.

Comment No. 5-21

This proposed development that would result in less green space.
(B-76, B-127, Laurel Kaddatz, DVM)

Response No. 5-21

See Response 5-3.

Comment No. 5-22

Aesthetics: The visual analysis wholly disregarded potential impacts from Hunters Glen and must be substantially expanded. Actual photographs must be taken throughout Hunters Glen during leaf-off conditions and computer simulated to render the proposed buildings, including lighting and mechanical equipment at full build-out. At least 10 locations should be selected within Hunters Glen, including locations from second story windows inside of residences. Hunters Glen is willing to work with the Planning Board and the project sponsor to select the viewpoints that are necessary for the Board to take a Hard Look at these issues.
(B-98, Snyder & Snyder)

The size of these buildings and their proximity to our property [Hunters Glen].
(B-103, Donna Shenkman)

Response No. 5-22

See Response 5-4.

Comment No. 5-23

We also urge relocation of any land banked parking to the west of Buildings 3 and 4 and the planting of a multi-species evergreen barrier in this location to separate the proposed development from the residences. This natural barrier must be guaranteed for the life of the facility and bonded accordingly. The remaining area must be strictly conserved by way of a conservation easement, including the ability for Hunters Glen to enforce same.
(B-98, Snyder & Snyder)

Sight.
(B-138, Michael Catalano)

Dramatic, long term impact & intrusion on our privacy & natural surroundings, the main reason most of us sought out this specific location.
(B-138, Michael Catalano)

Response No. 5-23

See Responses 5-3 and 5-4. A variety of evergreen trees would be planted within the site and the Applicant is willing to plant evergreen trees within the Hunters Glen development, as described in Response 5-4.

Comment No. 5-24

We are also concerned about the visual impact from the significant retaining walls. Visual renderings should be prepared to demonstrate the proposed terracing and landscaping given the change in elevation that is proposed and the topographic difference down towards Hunters Glen.
(B-98, Snyder & Snyder)

Response No. 5-24

Due to distance, topography, and vegetation, the proposed retaining walls are not anticipated to be visible from Hunters Glen. In addition, as required by the Town Zoning Code, the proposed retaining walls would be landscaped with a variety of plant material, including climbing vines, to further minimize their visibility.

Comment No. 5-25

Evergreen plantings will be placed between the facility and the homes to block noise and light. (B-107, Twin Brooks Homeowners Association, Inc.)

Response No. 5-25

See Response 5-4, which describes the various efforts made by the Applicant relative to Twin Brook Manor. The project would not be visible from Twin Brook Manor in either a leaves on or leaves off condition.

Comment No. 5-26

As far as the ridgeline is concerned, I have no -- no problems with the ridgeline. I have no problems with the view. I went up on Sunset, and I went up to my son's house, out the second window, and looked down. It looks beautiful. I don't mind looking at a Home Depot or a commercial building.
(B-145, Hearing No. 3 (Mr. Gress))

Response No. 5-26

So noted.

Comment No. 5-27

The other thing is that with regard to the - - the impact of these buildings. There's no way that these buildings can be screened. I mean, it's just not realistic. And I know – I know you have listed how many trees you're going to put in and how many shrubs, 601 or something. I just hope that the -- that the plan for the -- for the screening is really geared to where the most

visibility is from off site. That -- that's the key, so that people don't have to see it all the time, during the day, anyway.
(B-145, Hearing No. 3 (Mr. Armstrong))

Response No. 5-27

The proposed landscaping has been located as suggested to minimize the visibility of the proposed buildings. The proposed landscaping combined with the expansive areas of existing mature trees to remain within the site and the surrounding topography would effectively screen the proposed buildings.

Comment No. 5-28

The other thing is with regard to lighting. I've been trying - - an advocate for quite a while on this board that - - and I understand you've taken - - you've taken it into account from the public, that lighting should be off at night, and there's no real reason for it to be on all night with motion detectors and timers. And for - - and safety - - you can have - - you can issue gate - - gate keys so that only people who belong on the site can get in. Give them a card for the gate and - - a card, and the lights are off otherwise. There's no need for it. It's a waste of energy, and it's a - - and I won't go into details right now, but it does work.
(B-145, Hearing No. 3 (Mr. Armstrong))

Response No. 5-28

The project would be dark sky compliant. The site plans include details of the proposed light fixtures, which specifically indicate and confirm that the lighting will be dark sky compliant. The previously proposed wall pack building lights are no longer proposed on the western and northern sides of Building B in response to comments from the residents of Hunters Glen and Twin Brook Manor, and the pole mounted parking lot lighting has been reduced from 30 feet to 20 feet high by the Applicant in response to

the comments expressed. The wall pack lighting would be mounted at a height of 16 feet above grade on the other faces of the proposed buildings.

The proposed lighting would not shine onto adjacent properties. The proposed LED lighting would be positioned and shielded to minimize any visibility of the light fixtures and the lighting would be aimed to light areas where needed and not spill light into areas that do not need to be illuminated.

Comment No. 5-29

So, obviously Hunters Glen, Twin Brooks – (Indiscernible.) I clearly understand that. I'm sure you've got it, but we really need to make sure we see a lot more visuals from those two neighborhoods.
(B-145, Hearing No. 3 (Mr. Cyprus))

Response No. 5-29

Response 5-4 details the extensive efforts the Applicant has undertaken to assess and assure that any potentially significant adverse impacts to the two developments are avoided or mitigated to the maximum extent practicable.

Comment No. 5-30

The 3D studies that you did were very helpful. And I think I want to echo my fellow board member in saying that visuals are going to be very important. So as you develop, that is something that, I think, we definitely need to see because, you know, members of the planning board and the public are trying to make everything as good as it can be, whether we feel one way or another, if we have any judgment.
(B-145, Hearing No. 3 (Mr. Rush))

Response No. 5-30

Extensive visual analyses were presented to the Town and Planning Boards and included in the DEIS. Additional visual analyses are included in the FEIS (see Chapter II.D), as described in Responses 5-1 and 5-4.

Comment No. 5-31

LIGHTING:
While lowering the outdoor lighting fixtures will be helpful it's important to note that two buildings will be located on the ridgeline thus all night lighting will illuminate the previous dark sky.
1) Is there a better lighting remedy to ensure Southeast's night sky remains dark?
(B-147, Lynne Eckardt)

Response No. 5-31

See response 5-28.

Comment No. 5-32

RURAL CHARACTER:
From the DEIS:
1-5 "Maintenance of Rural Character: The project is consistent with the rural character of Southeast. The buildings are up and away from Route 312 and virtually invisible from any location in the Town and along I- 84. Along Route 312, the property would remain visually rural and rustic. Moreover, the Applicant will offer several acres at the Route 312/Pugsley intersection to Putnam County for inclusion in the Tilly Foster Farms project, further enhancing the rural character along Route 312 and assuring the protection of the Town's aesthetics."

We now know that the buildings will be visible from Maple Road, the Rail Trail and other areas of Southeast and Carmel. This should be corrected in the FEIS.

From the DEIS:
I-23 The project will not result in any significant adverse visual impacts.

The DEIS considers seven (7) off-site vantage point locations in order to comprehensively assess the views of the proposed project. The seven vantage point locations include:
- *I-84*
- *Route 312*
- *Twin Brook Manor*
- *Maple Road*
- *Putnam Trailway*
- *Sunset Drive*
- *Garrity Road*

This is simply not true. Especially when you consider that the Rail Trail and Maple Road are used recreationally. I believe that the project will also be visible from parts of Carmel and Drewville Road in Southeast. Photo simulations (Leaves on/Leaves off) should be provided from all sites that will be able to see the buildings.
(B-147, Lynne Eckardt)

<u>Response No. 5-32</u>

Additional visual analyses that have been prepared are described in Response 5-1 and Section II of the FEIS. The requested visual analysis of Drewville Road has been provided in response to the comment. Views from the rail trail and Maple Road were included in the DEIS. While there would be limited views of proposed buildings from certain vantage points as mentioned in the comment, the Applicant maintains that the project would not cause significant adverse visual impacts.

Comment No. 5-33

Building 1 and Building 3 are to be built on a ridgeline. What color will the buildings be? How many years after the landscaping installed, will it take for the plantings to conceal the buildings? Will there be an irrigation system installed for the plantings?
(B-155, Cathy Croft)

Response No. 5-33

The buildings are proposed to be predominately medium to dark green as well as grey colors to blend with existing trees to remain within the site. The proposed building color scheme is subject to review and recommendation by the Town Architectural Review Board. An irrigation system would be installed within portions of the property. The proposed evergreen trees would typically grow at a rate of approximately one foot to one and a half feet per year.

Comment No. 5-34

Upon completion of this project the falling of the leaves each year will reveal the sight of a sprawling industrial site.
(B-168, Christine Caso)

Response No. 5-34

As demonstrated in the visual analyses included in the DEIS in Section III.C.5 as well as the Figures in this section of the FEIS, views of the proposed buildings would be very limited even during the leaves off winter condition.

Comment No. 5-35

All development changes the visual impact of a given side, ridge lines must be very carefully evaluated, and impacts must be kept to the minimum. Screening has a different goal than landscaping and is not "beautification" its goal is to minimize the visibility "from outside the site" of any new structures!
(B-159, Daniel Armstrong)

Response No. 5-35

See Responses 5-16 and 5-27.

Comment No. 5-36

Lighting may be the most significant of the impacts from offsite! The need for lighting in unquestionable—it's the intensity and hours its on is the big questions. Automatic shut off and on, devices restrict its impact at time when it provides no useful benefit, times, motion detectors, careful focusing and other systems can make lighting useful but sufficient!
(B-159, Daniel Armstrong)

Response No. 5-36

See Response 5-28.

Comment No. 5-37

Trees and grass thrive here. But, when we build the distribution center some of that will be destroyed.
(B-170, Vanessa Mazzei)

Response No. 5-37

See Response 5-3.

Comment No. 5-38

The visibility of these buildings from the road will add to the ugly look of the shopping center. (B-178, Catherine Harrington)

Response No. 5-38

See Response 5-1.

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***NOTE:**
THE PROPOSED BUILDING A AND PORTIONS OF BUILDING B ARE NOT VISIBLE SINCE THEY ARE OBSTRUCTED BY VEGETATION, YET THE PROPOSED BUILDING OUTLINES HAVE BEEN SHOWN TO SHOW THE LOCATION OF THE BUILDINGS BEHIND THE VEGETATION.

COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM NELSON BOULEVARD & DREWVILLE ROAD

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-1

120 BEDFORD RD
ARMONK
NY 10504

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fax 273-2102

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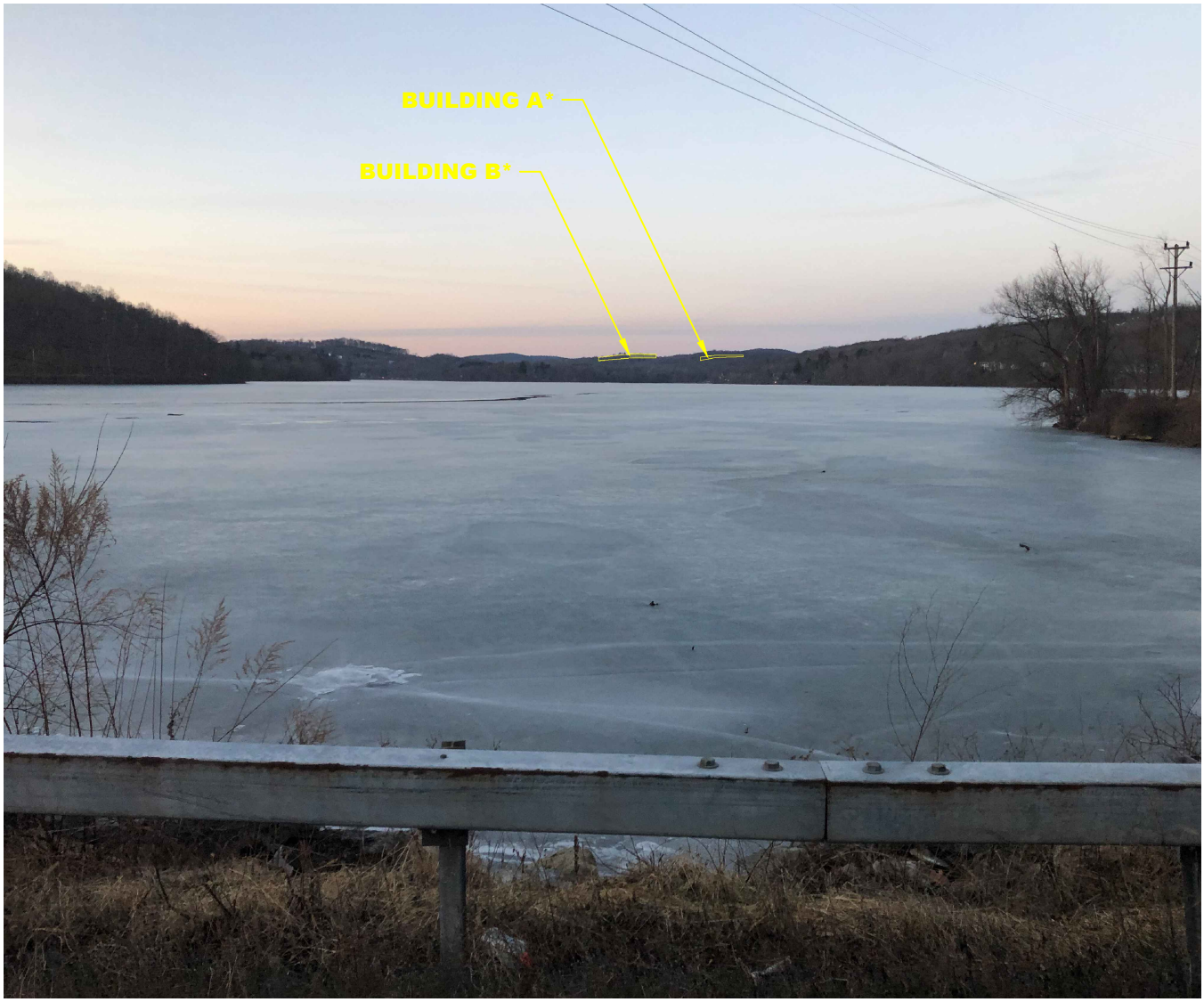

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM NELSON BOULEVARD & DREWVILLE ROAD

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-2

120 BEDFORD RD
ARMONK
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***NOTE:**
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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM NYS ROUTE 6 CROSSING MIDDLE BRANCH RESERVOIR

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-3

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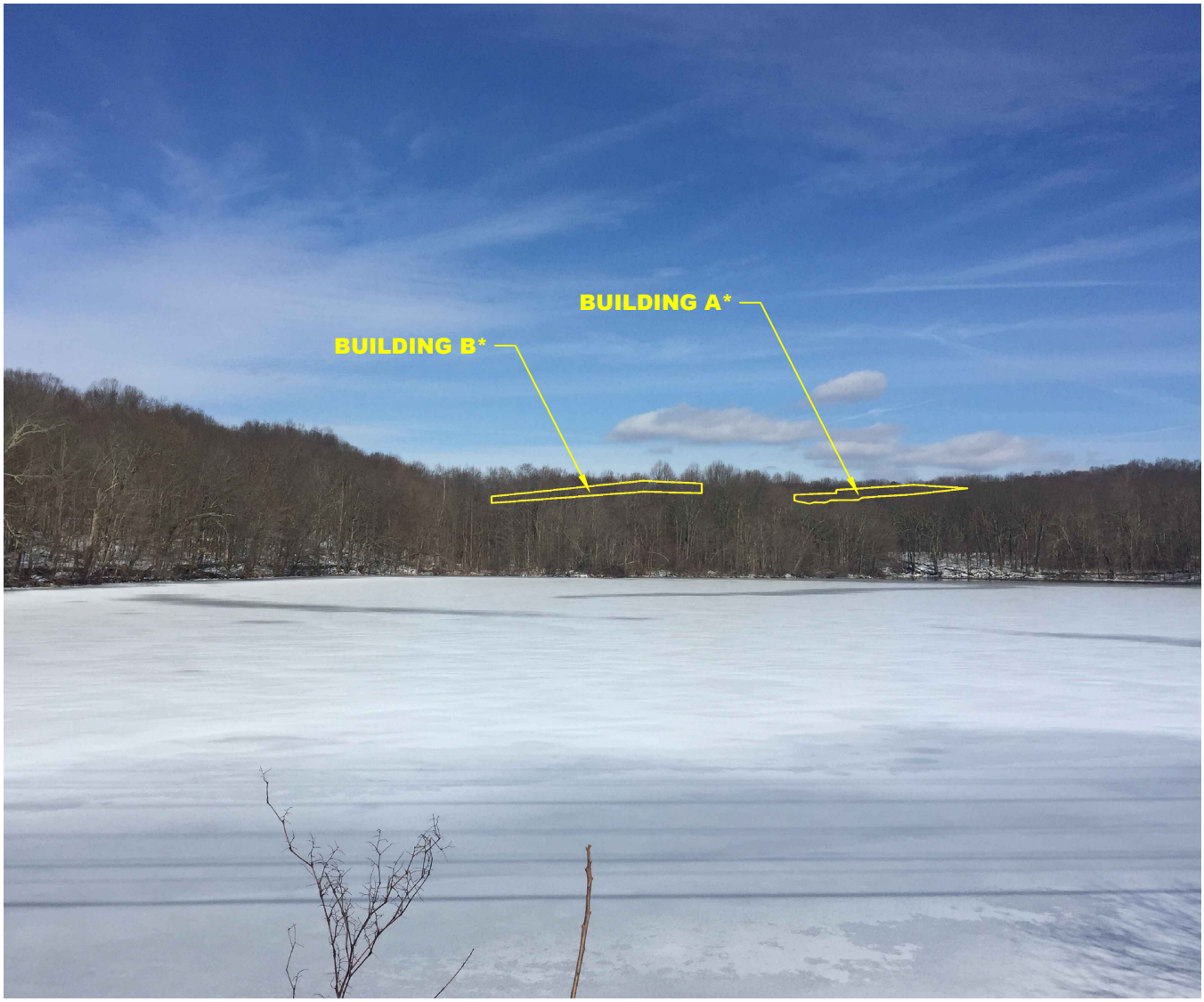

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VIEW FROM NYS ROUTE 6 CROSSING MIDDLE BRANCH RESERVOIR

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-4

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DRONE PHOTO FROM PROPOSED ROOF ELEVATION AT CENTER (WEST SIDE) OF BUILDING B TO HUNTERS GLEN

DATE: 10/25/2018

JMC PROJECT: 14012

FIGURE: II.D-5

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NY 312 & PUGSLEY ROAD

TOWN OF SOUTHEAST, NEW YORK

DRONE PHOTO FROM PROPOSED ROOF ELEVATION AT SOUTHWEST CORNER OF BUILDING B TO HUNTERS GLEN

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FIGURE: II.D-6

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14012–VISUAL–FIGURES.dwg; II.D–6.tab

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NY 312 & PUGSLEY ROAD

TOWN OF SOUTHEAST, NEW YORK

DRONE PHOTO FROM PROPOSED ROOF ELEVATION AT NORTHWEST CORNER OF BUILDING B TO TWIN BROOK MANOR

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FIGURE: II.D-6B

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VIEW FROM ENTRANCE OF HUNTERS GLEN

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FIGURE: II.D-7

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NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM ENTRANCE OF HUNTERS GLEN

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-8

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM CLOSEST UNITS OF HUNTERS GLEN

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-9

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NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM CLOSEST UNITS OF HUNTERS GLEN

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-10

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM CLOSEST UNITS OF TWIN BROOK MANOR

DATE: 10/25/2018 — JMC PROJECT: 14012

FIGURE: II.D-11

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM CLOSEST UNITS OF TWIN BROOK MANOR

DATE: 10/25/2018 — JMC PROJECT: 14012

FIGURE: II.D-12

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM ROUTE 312 AT ENTRANCE TO TILLY FOSTER FARM

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-13

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM ROUTE 312 AT ENTRANCE TO TILLY FOSTER FARM

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-14

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM TILLY FOSTER FARM PARKING LOT

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-15

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM TILLY FOSTER FARM PARKING LOT

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-16

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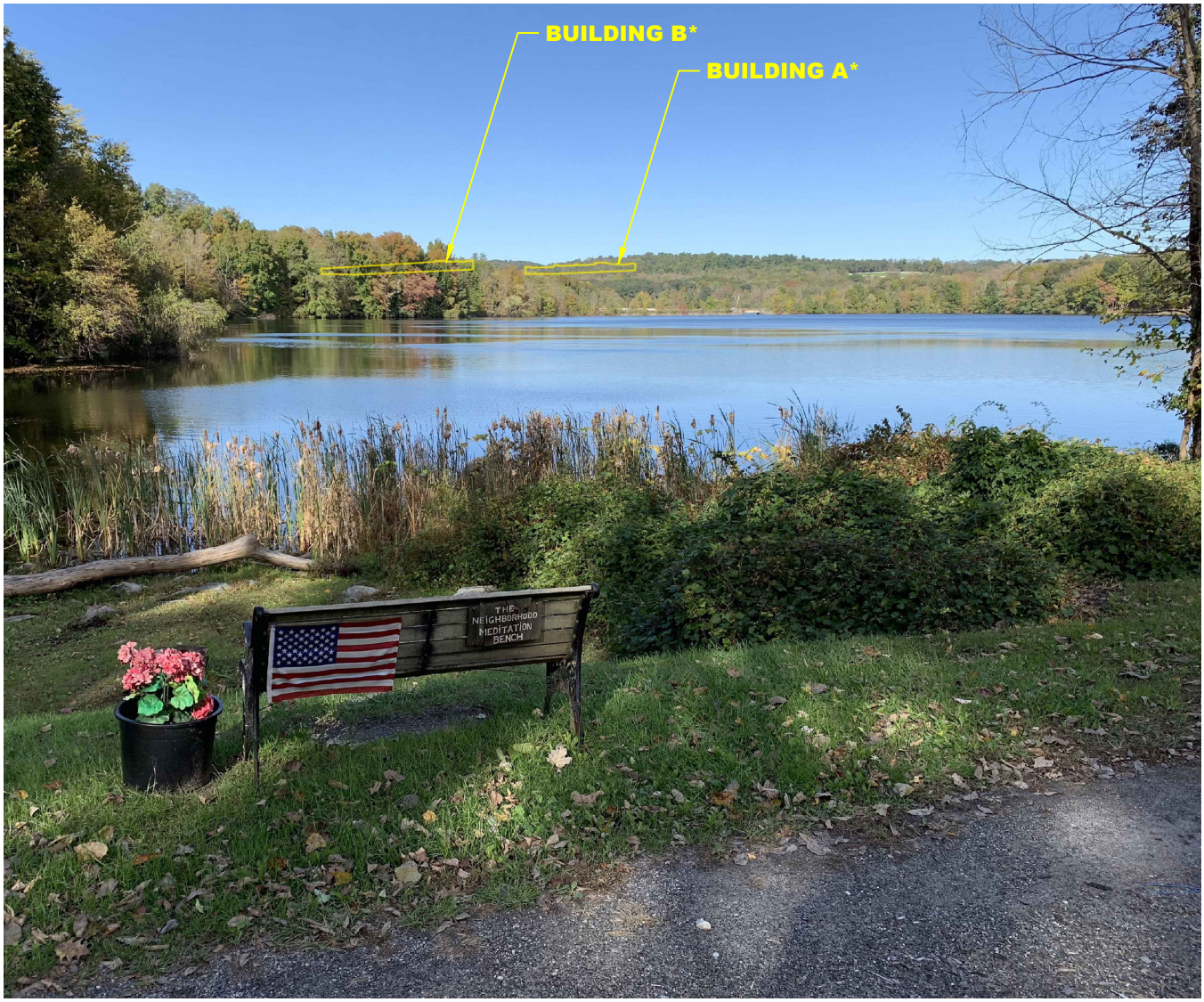

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM MAPLE ROAD

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-17

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COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD — TOWN OF SOUTHEAST, NEW YORK

VIEW FROM MAPLE ROAD

DATE: 02/25/2019 — JMC PROJECT: 14012

FIGURE: II.D-18

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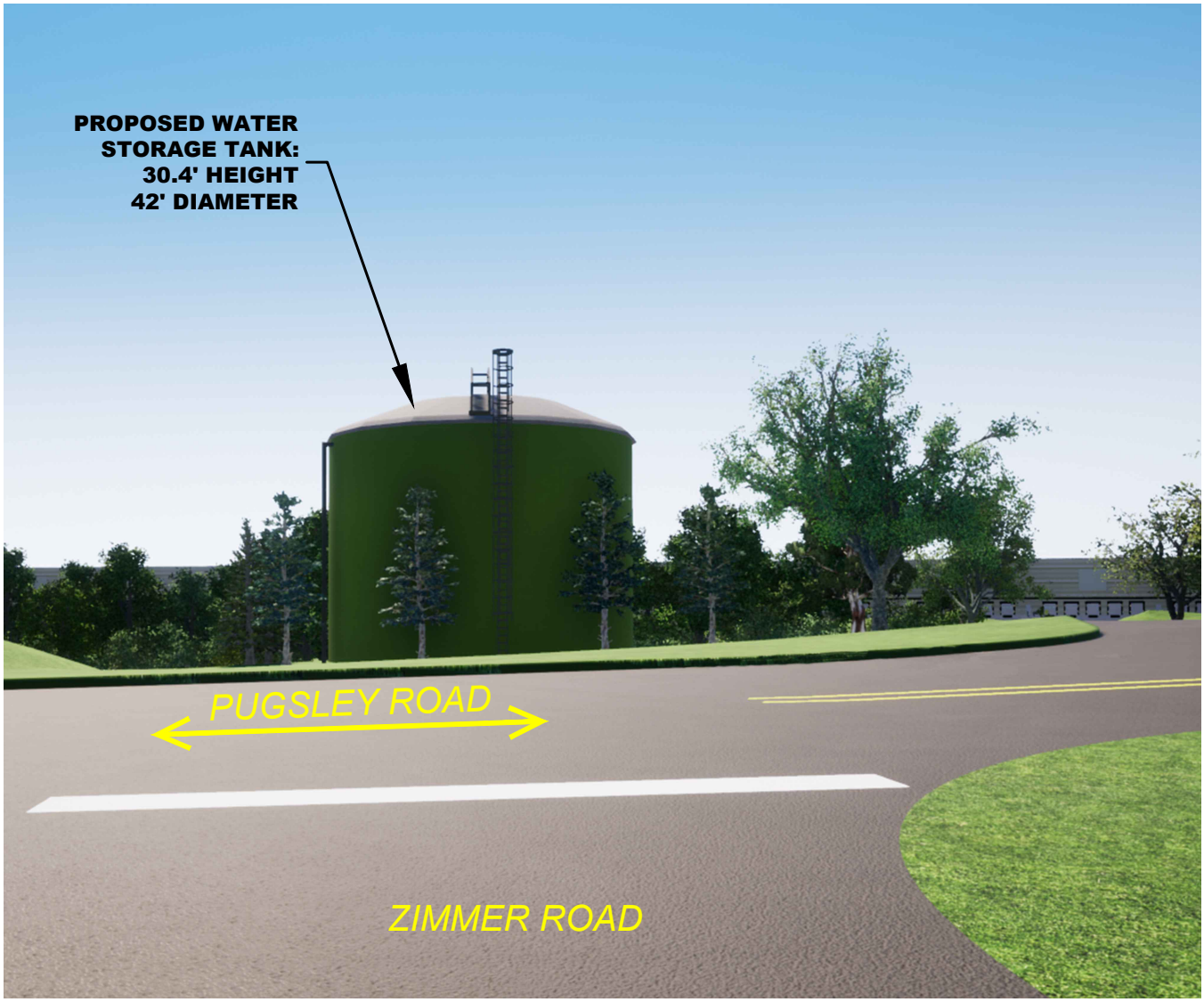

COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD

TOWN OF SOUTHEAST, NEW YORK

PROPOSED WATER STORAGE TANK

DATE: 05/21/2019

JMC PROJECT: 14012

FIGURE: III.5-1

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III.6 Surface Water and Wetlands

Comment No. 6-1

The chapter indicates that NYCDEP visited the site on 4/24/18 to inspect watercourses regulated by the DEP Watershed Rules and Regulations (Chapter 18 of 15 RCNY). Please provide DEP-validated watercourse map(s). The chapter should describe and map the perennial and intermittent stream buffers regulated by NYCDEP and indicate/quantify any encroachments or increases/decreases to impervious surface in these buffers.
(B-1, AKRF)

Response No. 6-1

The site walk with Jason Coppola and Mary Galasso of NYCDEP was conducted on April 24, 2018, and a map depicting the watercourses identified during the site walk was sent to Mr. Coppola at NYCDEP on May 9, 2018. A copy of this map, entitled NYCDEP Watercourse Map, will be provided when received from the NYCDEP.

The only change on the 2018 map to the watercourses identified by NYCDEP in 2004 was the addition of an intermittent watercourse which originates in a swale along the east side of Fields Corners Road near the intersection of the existing Barrett Road. Water flowing in the swale enters a catch basin, which discharges to the north side of Barrett Road and flow continues in a westerly direction towards the wetland corridor and pond. There is no defined channel connecting the roadside swale with the wetland, as water flowing in the swale spreads out through the dense vegetation on the east side of the wetland corridor.

Consistent with discussions with NYCDEP, improvements to the existing Barrett Road are proposed on the south side of the road to avoid impacts to this intermittent watercourse. This unavoidable impact would result in the disturbance of 0.5 acres of DEP regulated buffer, which shall be mitigated as described in this Section.

Comment No. 6-2

The U.S. Army Corps of Engineers (USACE) must conduct a jurisdictional determination of wetland boundaries prior to or concurrent with permitting of the proposed 0.05 acres of wetland disturbance for the Barret Road widening. The Corps will require proper documentation of the delineation in accordance with the federal methodology (Y-87-1; ERDC/EL TR-12-1), including wetland data sheets documenting soil, vegetation, hydrology indicators at data points throughout the property. The DEIS does not contain the original wetland delineation report (2004) and considering the length of time since the original delineation and the publishing of the new Corps Regional Supplement delineation manuals (2012), the Corps (and the Town as lead agency) may recommend that the wetland boundary delineation be comprehensively re-delineated. The current delineation report (Appendix D2) did not redo the delineation but qualitatively checked the earlier boundary.
(B-1, AKRF)

Response No. 6-2

The 2004 wetland boundary flags were restaked by the project surveyor, and the boundary flags were reviewed and confirmed as accurate by Evans Associates staff (a Certified Professional Soil Scientist and a Certified Professional Wetland Scientist) during the summer of 2017. This methodology is routinely used to reconfirm or revise previously delineated wetland boundaries, and is not a "qualitative review" when the boundary is reviewed by qualified professionals. The wetland boundary was then reviewed in the field and confirmed as accurate by Kelly McKean of NYSDEC and by Stephen Coleman for the Town of Southeast. Since the only direct wetland impact under the Corps' jurisdiction that is associated with the project results from the widening of Barrett Road, the Corps would only need to review the wetland boundary immediately adjacent to the road crossing. A Joint Permit Application would be submitted to NYSDEC and ACOE once SEQRA review is complete. The data sheets will be submitted as part of the Joint Application, if required by the NYSDEC and ACOE.

Comment No. 6-3

This chapter should disclose and quantify changes in drainage areas (acres in the pre- vs post-construction condition) so that increases/decreases in the contributing drainage areas to each onsite wetland can be determined. Of primary importance is the redirection of runoff that may adversely affect the hydrologic budget of individual wetlands.
(B-1, AKRF)

Response No. 6-3

A table summarizing areas of existing and proposed drainage areas has been added to the SWPPP (Appendix 6-1). A Wetland Water Budget Analysis focusing on Wetlands 4, 5, and 6 has been prepared for the project, and is included as Appendix 6-2. The analysis concludes that the seasonal fluctuations in precipitation and temperature, and the variability in year to year total precipitation, account for greater differences in the hydrology of the wetlands than the changes resulting from the development. Furthermore, wetlands in the temperate northeast are well adapted to changes in hydrologic input, and the wetlands on the subject property have been subject to changes in drainage associated with the past agricultural use of the uplands. By implementing the stormwater management practices required to handle runoff water quantity and water quality from the proposed project, the project is designed to mimic existing drainage patterns as closely as possible. The Wetland Water Budget Analysis confirms that there will be no significant adverse changes to the existing hydrology for Wetlands 4, 5 or 6.

Comment No. 6-4

The adequacy of the proposed project's stormwater management measures and plans, including their compliance with the NYS Stormwater Management Design Manual, the NYSDEC GP-0-15-002, the NYCDEP Watershed Rules and Regulations, and the Town of Southeast Code Chapter 119, has not been reviewed by this office - but is subject to review by

the Town Engineer. This is of special importance considering the size of the project and its location within the NYC watershed (Middle Branch of the Croton River).
(B-1, AKRF)

Response No. 6-4

So noted.

Comment No. 6-5

The Biological Assessment Report (Appendix G-1) indicates that the Town's consultant Steve Coleman and NYSDEC's Kelly McKean reconfirmed the wetland boundaries in 2018. Correspondence to this effect and/or a signed wetland validation drawing from NYSDEC should be provided in the FEIS.
(B-1, AKRF)

Response No. 6-5

Kelly McKean walked the site with Evans Associates on February 15, 2018 and confirmed the boundaries of the NYSDEC- regulated wetlands (portions of Freshwater Wetlands LC-18 and LC-28) were accurately flagged and depicted on the survey prepared by Badey & Watson, Surveying & Engineering, P.C. The NYSDEC validation was signed by Ms. McKean on November 21, 2018 and is valid until November 21, 2023 (five years). Stephen Coleman walked the site with Evans Associates on February 26, 2018 and issued a memo to the Planning Board dated March 11, 2018 confirming the wetland boundary was accurately flagged. A copy of this document is contained in Appendix I-1.

Comment No. 6-6

The project requires impact to 2.44 acres of NYSDEC and 5.37 acres Town of Southeast wetland buffers. Considering the amount of land available, reductions in this amount should be

explored in the chapter. Further reasoning should be provided explaining how the wetland impact decision process, i.e. "avoidance, minimization, mitigation" can/cannot produce reduced wetland buffer impacts.
(B-1, AKRF)

Response No. 6-6

Wetlands 4, 5, and 6 (portions of DEC Freshwater Wetlands LC-18 and 28) are regulated by the DEC and by the Town of Southeast. The DEC regulates a 100' Adjacent Area (AA) surrounding these wetlands. The area surrounding the wetlands that is regulated by the Town (Town buffer) varies between 133 and 166' on the subject property. This 133-166' area overlaps the 100' DEC AA (it is not in addition, or added, to it). Therefore, the Town buffer includes the DEC AA and would therefore always be a larger area than the DEC AA.

Revisions to the layout of the project proposed in the DEIS have been made to reduce overall coverage impacts to the site, including consolidating buildings and reducing their numbers from four to two for the Preferred Alternative Plan. This change corresponds to a reduction of building coverage by 17% (from 1,124,575 to 933,100 square feet). Revisions to the site access and entry gate at Barrett Road and use of retaining walls have also resulted in reductions in the wetland buffer encroachment. However, due to the site topography, complete avoidance of wetland buffer impacts was not possible; the buildings were sited in the more level areas of the property in order to reduce the amount of topographic changes (cut/fill) needed to accommodate the buildings.

If the 143-unit residential project, which the Applicant has vested rights to develop through December 31, 2020, was constructed today, it would impact 4.49 acres of NYSDEC Adjacent Area (AA) disturbance and an additional 20.08 acres of Town wetland buffer, for a total buffer impact of 24.57 acres. The currently proposed project has been designed to create fewer impacts than the residential project would have created. Impacts to the NYSDEC AA have been reduced to 2.08 acres (a 53.7%

reduction), and Town wetland buffer impacts have been reduced to 5.23 acres (a 74% reduction), for a total buffer impact reduction of over 70% (7.31 acres versus the previous 24.57 acres).

The DEC AA and Town wetland buffer impacts have decreased from those impacts depicted in the DEIS. No new structures are proposed within the DEC AA; remaining impacts are due to grading from proposed structures and from improvements to road crossings only. DEC AA impacts decreased from 2.66 to 2.08 acres and Town impacts decreased from 5.79 to 5.23 acres. Impacts to wetland buffers have been minimized to the maximum extent practicable for the project design.

Mitigation would be provided to compensate for the proposed wetland and wetland Adjacent Area/buffer impacts. Mitigation is proposed as habitat restoration and enhancement in wetland, wetland buffer, and upland areas. Please see Response 6-7 for mitigation details. The proposed mitigation, as detailed in Response 6-7, adequately compensates for impacts.

Comment No. 6-7

Wetland mitigation proposed involves invasive species removal in a portion of Wetland 4. The chapter should provide a figure showing the location and size (SF) of the proposed wetland mitigation area and the FEIS should include a detailed mitigation/planting plan. Five years of monitoring is preferred rather than the proposed 3 years. The adequacy of the proposed invasive species removal within a portion of Wetland 4 as compensation for permanent wetland loss and approximately 8 acres of Town/DEC wetland buffer disturbance should be justified/analyzed further in the FEIS.
(B-1, AKRF)

Response No. 6-7

A report titled "Installation, Management, and Monitoring Protocol for Upland Habitat Restoration Areas and Wetland Habitat Restoration", dated August, 2019 has been prepared by Evans Associates Environmental Consulting, Inc. (Evans Associates) to detail the wetland mitigation and habitat restoration for the proposed project (Appendix 9-1). The associated plans are Drawings MP-1 "Overall Habitat Restoration & Wetland Mitigation Plan", MP-2 and MP-3 "Habitat Restoration Plan", MP-4 "Wetland & Wetland Buffer Restoration Plan" prepared by Evans Associates last revised August 7, 2019.

The area proposed for wetland mitigation (restoration and habitat enhancement), and buffer restoration within the immediate area of the wetland, totals 1.54 acres. This is compensation for the proposed 0.05 acres of wetland impact. Also, upland habitat planting/restoration is proposed outside of the actual wetland buffers, but in close proximity to the wetland corridors, totaling approximately 13 acres. None of the acreage intended as habitat restoration area includes the stormwater basins, but it does include the areas where septic fields are proposed. The septic fields would be maintained as meadow, which is suitable for habitat restoration.

Maintenance and monitoring of the proposed restoration and habitat enhancement areas is outlined in the report. Over-seeding / reseeding and use of live plugs will be done as needed to ensure establishment of the meadow grasses. A comprehensive plan would also be employed to ensure that seed mixes will take where they are used, including plowing for over a year to eliminate any existing invasive seed banks in the soil, followed by bioamendment (i.e., using a soil amendment that has organics and tackifiers to ensure that the seeds stick to the surface).

The Planning Board will review and approve the detailed mitigation plans, as well as determine the length of the required monitoring and maintenance periods as part of Site Plan Approval, based upon recommendations of their consultants.

Comment No. 6-8

The potential harm or affect to the wetlands.
(B-3, PH #2, Mr. Catalino)

Loss of wetlands.
(B-107, Twin Brooks Homeowners Association, Inc.)

Response No. 6-8

Direct and indirect impacts to the wetlands and watercourses on the site have been avoided to the maximum extent practicable, and compensatory mitigation in the form of wetland restoration and buffer area enhancement is proposed where impacts are unavoidable. Please refer to Responses 6-6 and 6-7.

Comment No. 6-9

I'm curious how a project of this size can get DEP approval, you know, right on the reservoir.
(B-3, PH #2, Ms. Aurello)

And encroach on our Middle Branch phosphorus limited watershed.
(B-64, Samantha Jacobs)

Encroach on the watershed of Middle Branch Reservoir.
(B-68, KK Dorkin)

We cannot do that by threatening our watershed with the runoff from 57 acres of impervious surfaces.
(B-70, Helen Dorkin)

This land is adjacent to the watershed and wetlands area, and we would like to know how these will be affected.
(B-79, Susan Tullipano & Ken Tullipano)

What about the water that flows to the reservoir system?
(B-84, Rita LaBella)

Refueling. Where will these trucks refuel with Diesel. Are we now going to sink fuel tanks in Watershed Territory?
(B-85, Christine Capuano)

Environmental Impact
(B-93, Unknown)

Wetland and watershed impact.
(B-101, Jack Pizzicara)

As you are quite aware, our watershed could be significantly impacted if this proposal is approved as well.
(B-134, Jon Scalzitti)

Response No. 6-9

Direct and indirect impacts to the wetlands and watercourses on the site have been avoided to the maximum extent practicable, and runoff from all new impervious areas would be captured and treated by a variety of stormwater management practices, green infrastructure planning and green infrastructure practices. Extensive on-site soil testing has been conducted and witnessed by NYCDEP to ensure that each stormwater management practice is appropriate for the existing site conditions in order to control runoff and promote phosphorus removal prior to discharge. Site alterations have been completed so that the impervious building coverage in the FEIS Preferred Alternative

Plan represents a reduction of 17% from the building coverage amounts discussed in the DEIS.

Please also refer to Response 8-2.

There would be no refueling facilities on the site.

NYCDEP regulations are crafted to protect the watershed including reservoirs and aquifers to the maximum extent possible with both design and operating practices. The proposed project complies fully with these regulations and the Applicant in turn assures the community that it would protect the abutting water resources for all residents and businesses.

Comment No. 6-10

There were two - - I've forgotten the term, but the, sort of, runoff holding ponds, one between Hunters Glen on the property in their proposal and one between Twin Brook, quite close to Twin Brook and Building 4.

I wonder what the nature of those would be on a day like today, where, you may have noticed, it did rain just a bit. Those ponds would presumably be pretty full. But after a drought, would they be – would these be cement ponds? Would they be mudflats? What would they be? Would they be mosquito-breeding colonies?
(B-3, PH #2, Mr. Hines)

The stormwater management at Twin Brook, I think it might have been in the lawyer's letter, but it's come up a couple of times. It is very close. If there's some way we can move that away, I think that would create some more natural buffer.
(B-145, Hearing No. 3 (Mr. Cyprus))

Response No. 6-10

The stormwater management practices throughout the proposed development are designed to capture and treat runoff from the proposed development in a variety of ways. Some of the practices are designed to allow stormwater to infiltrate into the soils, where it would recharge local groundwater and sustain the nearby wetlands. Other practices would function as stormwater wetlands or wet ponds, where phosphorus and other dissolved constituents in the runoff would be removed through plant uptake and microbial action in the soils. These stormwater wetlands are vegetated and provide habitat for amphibians and songbirds, which feed on mosquitos and other insects which may breed in the ponded portions of the basin.

The stormwater management area near Twin Brook has been redesigned, resulting in more natural buffer. The undisturbed area between the stormwater management area and the Twin Brook property has been increased from 50 feet to 200 feet. The monitoring and maintenance of the stormwater management areas will be specified as part of the Site Plan Approval by the Planning Board.

Comment No. 6-11

With respect to the Erosion & Sediment Control Plan we have the following initial comments:

A. *The Construction Sequence shown on the plans is general in nature. Future submissions should provide a detailed construction sequence and note whether the project will be constructed in phases, when the public improvements on Town and State roads will be constructed relative to the site improvements, and what will be the maximum open or disturbed area at any time.*

B. *The Plan should identify locations of temporary stockpile areas, temporary sediment basins and temporary sediment traps.*

C. Wherever silt fence runs across or perpendicular to surface contours, 10-foot long wings of silt fence placed perpendicular to the main run of silt fence should be provided at approximate intervals of 50-feet so as to reduce the potential for sediment laden runoff running along the silt fence and concentrating/overtopping at the low point.

(B-4, Jacobson Engineering, Joseph M. Dillon, P.E.)

Response No. 6-11

A. The Sequence of Construction has been revised to provide a detailed sequence of construction for each phase of the project (JMC DrawingC-421), including the public improvements on Town and State roads. JMC drawing C-421 "Phasing/Sequencing of Construction Notes" plan indicates the maximum disturbed area ,the required cuts and fills and specific erosion and sediment controls (soil stockpile areas, sediment basins, diversion swale, staging areas) for each phase. Additionally, it has been revised to include information on establishing vegetation.

B. The Erosion and Sediment Control Plan has been revised to indicate locations of temporary stockpiles, temporary sediment basins and temporary sediment traps for each phase. Stockpile areas have been labeled to include which phase(s) they shall be utilized in. JMC Drawing C-421 has been updated to include these stockpile areas in the sequence of construction.

C. The silt fences on the Erosion and Sediment Control plan have been revised accordingly.

Comment No. 6-12

We have the following initial comments regarding the SWPPP:

A. *Details for stormwater control measures such as level spreaders and outlet control structures should reference and be consistent with elevations and structures shown on the grading and utility plans.*

B. *Maintenance access should be provided and shown on the plans for all stormwater management practices.*

C. *The Report should include design calculations for drainage conveyance systems and outlet protection.*

D. *The locations of boring and test pit locations included in the April 11, 2018 supplemental geotechnical report, should be shown on the drawings.*

E. *The drainage areas used in the calculation of the Water Quality Volumes (WQv) do not match the areas used for the TR55 model.*

F. *The stormwater basin piping and outfalls should be shown on the grading plans to better interpret the slope to which the outfalls will discharge to.*

G. *Anti-seep collars should be provided for stormwater basin outlet pipes that pass through fill embankments.*

H. *A table of elevations and/or inverts should be provided for any applicable stormwater structures.*

I. *The Draft Geotechnical Investigation Report in included Appendix E.1 of Volume II of the DEIS indicates that mottling was observed in most of the test pits ranging from 6 inches to 5 feet below grade. With such a variance between mottling elevation, further investigation should be performed to more accurately identify the ground water table for the purpose of designing the stormwater basins.*

J. *Permeability tests should be performed to determine the soils acceptance rate for the design of the stormwater infiltration basins.*

(B-4, Jacobson Engineering, Joseph M. Dillon, P.E.)

Response No. 6-12

A. The details for the outlet control structures, bypass structures and level spreaders have been coordinated with the elevations shown on the Grading and Utilities Plans.

B. Maintenance Access to all stormwater management practices has been shown on the plans.

C. Hydraulic storm pipe calculations are provided in Appendix L of the SWPPP. Calculations for outlet protection are provided on the rip-rap outlet protection detail.

D. The locations of borings and test pits to date are shown on the drawings.

E. The drainage areas used in the calculation of Water Quality Volumes (WQ_v) have been coordinated with the areas in the hydrologic model.

F. The stormwater management piping and outfalls have been shown on the Grading Plans.

G. Anti-seep collars are shown on the Utilities Plans and a detail is provided on the Construction Details.

H. The tops and inverts for all stormwater structures are shown on the Utilities Plans.

I. Additional testing has been performed to determine the seasonal high groundwater elevations within the area of each of the proposed stormwater management areas.

J. Infiltration tests have been performed to determine the infiltration rates for the infiltration basins.

Comment No. 6-13

Building this facility will be disrupting which involves water pollution.
(B-60, Vincent Stallone)

And potential water pollution.
(B-118, Cherie Ingraham)

I live about 1 mile from the site and I am very concerned about the water [pollution].
(B-176, Dr. Bernadette Brandon)

Water pollution.
(B-179, Alice Brandon)

Water [pollution].
(B-180, Dr. Chelsea Laber)

Water quality in our community.
(B-180, Dr. Chelsea Laber)

Response No. 6-13

Erosion and Sediment Control Plans have been prepared to control stormwater runoff from the site during construction. A Stormwater Pollution Prevention Plan has been prepared to control the quality and quantity of runoff post-construction.

Comment No. 6-14

The proposed project could have significant adverse impacts to offsite water resources. The entire project site drains to the Middle Branch Reservoir, which is classified as water quality

limited subject to a Total Maximum Daily Load ("TMDL") for phosphorus and heightened protection criteria to limit sources of phosphorus loading from further impairing water quality. The Middle Branch Reservoir exceeds its phosphorus TMDL by 204 kg/year. The addition of phosphorus or other pollutants to the Middle Branch Reservoir is a serious concern, and risks causing further degradation to a sensitive resource.
(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 6-14

The proposed project is subject to enhanced phosphorous removal design standards to meet water quality objectives for this watershed. The Phosphorous Loading Calculations for the project are provided in Appendix G of the SWPPP. These calculations will continue to be updated as the project progresses.

Comment No. 6-15

As a threshold matter, the DEIS is not clear as to the extent of wetlands disturbed. DEIS Section II.D, Surface Water and Wetlands, proposes permanent disturbance of 0.05 acre of onsite wetlands and 7.81 acres of permanent disturbance of wetland buffers. See DEIS, at III.D-15. However, DEIS Appendix D-1, Preliminary Stormwater Pollution Prevention Plan, claims the proposed project will disturb 0.15 acre of wetland and 11.70 acres of wetland buffer. See id., App. D-1, at 15. These discrepancies are significant and must be corrected to enable informed review.
(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 6-15

The proposed disturbance of wetlands for the currently proposed plan is 0.05 acres and the proposed disturbance of wetland buffers is 7.31 acres. Figure III.6-1 has been revised for clarity. These areas are referenced in the Stormwater Pollution Prevention Plan.

Comment No. 6-16

Regardless of the resolution of these discrepancies, however, the disturbance of onsite wetlands should be avoided entirely. Protection of wetlands and buffers, especially in phosphorus-impaired watershed basins, is critical for water quality protection.
(B-78, Pace Environmental Litigation Clinic, Inc.)

For all of these reasons, the Town as lead agency should require the Applicant to achieve no net loss of wetland and buffer functions. The DEIS does not make it clear that no net loss will be achieved. The Applicant should scale back or reconfigure project components to avoid disturbance to the wetlands and buffers on the subject property.
(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 6-16

The only loss of wetland area is associated with the widening of Barrett Road, which is necessary for access to the central uplands on the site, and therefore unavoidable. In addition, as part of the road improvements, the existing 18" culvert under Barrett Road will be replaced with a 48" open-bottom arch culvert to facilitate wildlife passage within the central wetland corridor. Details of the proposed culvert will be finalized as part of the Site Plan Approval process. Direct wetland impact is currently proposed to be 0.05 acres. This loss is proposed to be mitigated by the restoration of the degraded wetland area immediately south of the existing crossing (also see response to Comment No. 6-7 for details on the mitigation plan). Once the restoration is completed, the wetland would be a more diverse and robust habitat for wetland dependent wildlife species that use the central wetland corridor.

The DEC AA and Town wetland buffer impacts have decreased from those impacts depicted in the DEIS. DEC AA impacts decreased from 2.66 to 2.08 acres and Town impacts decreased from 5.79 to 5.23 acres. No new structures are proposed within the DEC AA; remaining impacts are due to grading from proposed structures and from

improvements to road crossings only. Impacts to wetland buffers have been minimized to the maximum extent practicable for the project design.

Proposed mitigation for potential wetland buffer impacts has been addressed through the restoration and enhancement of wetland buffer areas and uplands whose habitats would be improved for wildlife by removing invasive species and planting native vegetation.

The Preferred Alternative Plan's reduction of the project, in response to public comments, from four (4) buildings to (2) buildings and from 1,124,575 s.f. in the DEIS Plan to 933,100 s.f. for the Preferred Alternative Plan, results in a balance of a reduction in ridgeline impacts (with 40% less disturbance and 75% fewer trees removed associated with the southern ridgeline and 9% less disturbance and 3% fewer trees removed associated with the northernmost ridgeline), a reduction in disturbance to steep slopes from 22.5 acres to 18.8 acres, and a reduction in wetland buffer impacts as noted above. Revisions to the site access and entry gate at Barrett Road and use of retaining walls have also resulted in reductions in the wetland buffer encroachment. However, due to the site topography, complete avoidance of wetland buffer impacts was not possible; the buildings were sited in the more level areas of the property in order to reduce the amount of topographic changes (cut/fill) needed to accommodate the buildings.

Comment No. 6-17

To mitigate the impacts of disturbing 0.05 or 0.15 acre of onsite wetlands, the Applicant proposes "restoration of the upper portion of Wetland 4," which has been degraded by encroachment of invasive species. See DEIS, III.D-37. While Riverkeeper supports the Applicant's proposal to remove invasive vegetation and monitor the mitigation area for a minimum of three years, id. at III.D-38, the degree of specificity and detail is deficient. Proposing to restore "the upper portion" of a wetland, id., is vague and uninformative. The mitigation area and the "plugs of native sedges" to be planted must be quantified. What is the area of the upper portion of Wetland 4 and how many sedge plugs will be planted?
(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 6-17

Compensatory mitigation is proposed through the restoration of the degraded portion of Wetland 4. For a proposed wetland impact of 0.05 acres, 1.54 acres of wetland and wetland buffer restoration is proposed. A detailed mitigation plan has been prepared for the areas where compensatory mitigation is proposed. Please refer to Response 6-7 for details.

Comment No. 6-18

Likewise, the Applicant proposes to mitigate wetland buffer impacts "through extensive wetland plantings." The DEIS does not specify which species of native plantings will provide mitigation or how many are considered "extensive." Without this information informed review is not possible and the DEIS is deficient.
(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 6-18

A detailed mitigation plan has been prepared for the areas where compensatory mitigation is proposed. Please refer to Response 6-7 for details.

Comment No. 6-19

In addition, the Applicant proposes to mitigate wetland buffer impacts by establishing native plantings in stormwater management basins. See id. Stormwater basins are not suitable areas for mitigating wetland buffer impacts. The plantings would serve to protect only the basins themselves and would fail to provide any protection to wetlands outside the basin.
(B-78, Pace Environmental Litigation Clinic, Inc.)

All stormwater management practices should be sited outside stream and wetland buffers and should not be used as compensatory mitigation areas for buffer disturbance.
(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 6-19

The proposed stormwater basins are not proposed as wetland or wetland buffer mitigation, but the functions served by stormwater management practices are similar in many instances to the functions served by wetland buffer areas. For example, use of infiltration basins as part of the stormwater management design allows recharge of stormwater runoff to the groundwater, which is critical to maintaining base flow to groundwater fed wetlands and streams. Similarly, removal of sediment by hydrodynamic separators is a stormwater practice that mimics the filtration of runoff provided by vegetated buffers. Used in combination with other stormwater management measures, hydrodynamic separators can provide protection of downstream water quality which is easily monitored and maintained.

In this case, wetland buffer enhancement and restoration are proposed as a separate component of the compensatory mitigation offered to offset impacts. The stormwater management measures have not been included as compensatory wetland mitigation.

The mitigation plans have been revised to identify each area of wetland restoration, separate from the stormwater basins.

Comment No. 6-20

Stormwater Management: Hunters Glen believes that alternative stormwater management practices must be evaluated to eliminate the clearing and grading associated with the proposed retention ponds on the west side of the Buildings 3 and 4 as the clearing and grading will affect the visual and acoustic buffer separating the proposed use from Hunters Glen's residents.
(B-98, Snyder & Snyder)

We also believe that, as noted above, the stormwater retention ponds to the west of Buildings 3 and 4 must be relocated or redesigned so that the existing woods will remain to provide visual and acoustic buffers.
(B-98, Snyder & Snyder)

Response No. 6-20

The proposed stormwater management practices to the west of Building B are required to provide water quality and quantity control of the stormwater runoff from the proposed project. These stormwater management practices are proposed in areas that are predominately brush with some woods. Stormwater management basins have been located in areas that limit the amount of disturbance to the existing wooded area and overall total soil disturbance. Additionally, these basins have been located in areas that meet slope requirements for stormwater infiltration practices.

Comment No. 6-21

The project would result in ***57.2 acres of impervious surface*** *for roads, buildings, and paved surfaces which would impact the flow of runoff due to rain storms and snow melt and could negatively impact nearby roadways, residences, or municipal land.*
(B-104, Nathalie Del Vecchio and Roberto Molina)

Response No. 6-21

The currently proposed project would result in 48.4 acres of impervious surfaces. The SWPPP has been designed to provide channel protection, overbank flood and extreme storm control as required.

Comment No. 6-22

DEIS, pages 1-12 and III.D-15, state that 0.05 acres of NYSDEC wetlands will be disturbed, while page 15 of the SWPPP says that 0.15 acres of wetland will be disturbed. This discrepancy needs to be reconciled.
(B-108, Watershed Inspector General)

Response No. 6-22

The SWPPP has been revised to indicate 0.05 acres of NYSDEC wetlands to be disturbed.

Comment No. 6-23

DEIS, page 1-12, states that 7.68 acres of DEC and Town wetland buffer will be disturbed, while 7.81 acres appear to be disturbed on pages 1-27 and III.D-15, and according to page

15 of the SWPPP, 11.7 acres of wetland buffer will be disturbed. This discrepancy needs to be reconciled.
(B-108, Watershed Inspector General)

Response No. 6-23

The SWPPP has been revised to indicate 8.45 acres of NYSDEC and Town wetland buffer disturbance.

Comment No. 6-24

SWPPP, Preliminary Site Plan Approval Drawings, the soil boundaries from the web soil survey data must be placed on all site plan views, including the existing condition plan, proposed grading plan, and the erosion control plan.
(B-108, Watershed Inspector General)

Response No. 6-24

The soil boundaries have been shown on the Existing Conditions Plans. Adding these boundaries to the Grading Plans and Erosion and Sediment Control Plans negatively impacted the readability of these plans. The Town Engineer is agreeable with this.

Comment No. 6-25

DEIS, page 1-25, Section 4, 1st paragraph, final sentence, following "Chapter 6" add the words "and Chapter 10", which refers to the enhanced phosphorus removal criteria in the January 2015 NYS Stormwater Management Design Manual.
(B-108, Watershed Inspector General)

Response No. 6-25

The words "and Chapter 10" have been added to Section V of the SWPPP.

Comment No. 6-26

The hydrology analyses presented in the DEIS must be recalculated because incorrect rainfall distribution data was used to calculate peak runoff values.
(B-108, Watershed Inspector General)

Response No. 6-26

Rainfall distributions from the Northeast Regional Climate Center have been utilized in the revised hydrologic calculations.

Comment No. 6-27

Although areas bordering LC-28 are not proposed for development, the development area on the west side of Pugsley Road is upslope from the wetland. Stormwater would be discharged from the development area into LC-28 at multiple points (JMC 2018) with or without the benefit of settling ponds. Even with stormwater ponds, dissolved, colloidal, or non-miscible pollutants, including salt, clay particles, and petroleum hydrocarbons, would be discharged to the wetland. This pollution would be adverse to the potential bog turtle habitat, as well as to many wetland organisms.
(B-115, Erik Kiviat PhD)

Response No. 6-27

Building 1 and the driveway between Building 1 and Building 2 (depicted in the DEIS) have been removed from the area upslope of DEC wetland LC-28, which virtually

eliminates the impervious coverage in this area. These buildings have been replaced by a single building (Building A) located to the north of the formerly-proposed Building 1. Vegetated swales are proposed on the west side of Pugsley Road to collect and treat runoff from the development area on the west side of Pugsley Road.

Treatment of stormwater runoff from Pugsley Road has been changed; runoff leaving the road would flow to vegetated swales which lead to bioretention areas. Hydrodynamic water quality separators would be used to separate any oil accumulated from the parking lots and driveways that may source from small leaks in engines and potential larger spills, prior to flowing to any other stormwater management practice. See Response 8-2.

Comment No. 6-28

"Protection of bog turtle habitat cannot be accomplished unless the groundwater recharge and supply areas that support the habitat are protected." The applicant has asserted (JMC 2018) that pumping groundwater from a well in the adjacent area of wetland LC-28 will not affect the hydrology of the wetland. This claim should be evaluated by an independent expert.
(B-115, Erik Kiviat PhD)

Response No. 6-28

Wetland water-level monitoring was conducted as part of the 2004 pumping test. Piezometers were installed at three locations in the onsite wetlands to assess the potential for a hydraulic interconnection between the deep bedrock groundwater withdrawal and the wetlands. Two of the piezometers were installed in LC-28, one directly downslope of the well to the east of Pugsley Road, and one at the southern end of the wetland below the well along Route 312 which would not be used for the current project. Water-level measurements were collected for the surface-water in the wetlands and the shallow, overburden groundwater below the wetland to determine if pumping the onsite bedrock wells caused a drawdown in the water level. No drawdown

was observed at any of the piezometers in either the shallow groundwater or surface water that was caused by pumping the onsite bedrock wells. These data indicate that the use of the onsite bedrock wells to supply water to the project would have no impact on wetlands in the area.

Based on analysis of the water demand for the proposed project and the results of the pump tests performed in 2004, the project hydrogeologists are confident that the groundwater at the site would be naturally replenished by recharge from precipitation at a much higher level than the projected project withdrawals. The fact that the 2004 pumping test was performed for a different development scenario is irrelevant: because that project was never built, hydrogeologic conditions at the site are presumptively the same. In addition, additional groundwater would be recharged from the subsurface septic disposal fields, as well as the stormwater infiltration facilities. Even under drought conditions, when annual precipitation can decrease by as much as 30 - 35% and wetland hydrology is most vulnerable, the project hydrogeologists predict that groundwater recharge at the project site is more than adequate to sustain the wetlands based on testing done for the previous residential project.

Comment No. 6-29

Storm water runoff from 42 acres of the site would be conveyed into wetland LC-28. This would degrade the wetland by inputting silt, nutrients, and other pollutants. Even with a stormwater pond intercepting this runoff, pollution of the wetland would occur following a large precipitation event that exceeds the detention capacity of the pond. The extensive impervious surfaces of the proposed building complex would generate large amounts of runoff which would be difficult if not impossible to mitigate.
(B-115, Erik Kiviat PhD)

Stormwater ponds themselves can disrupt a wetland. Ponds polluted with salt and petroleum hydrocarbons can attract and then poison wildlife such as frogs. Storm water ponds within 100 feet of the wetland boundary of LC- 28 would require a DEC Freshwater Wetlands permit.
(B-115, Erik Kiviat PhD)

Response No. 6-29

The only activity within the wetland adjacent area to LC-28 are improvements to the intersection of Pugsley Road and Route 312. The main portion of the LC-28 wetland is more than 200 feet from any proposed construction or impervious surface.

In addition and in response to public comments, the Applicant has proposed in connection with the final approval of its project to place permanent "no-development" restrictions on approximately 172 acres of the overall 328 acre property. The no-development restrictions would prohibit any future building development in these locations (see Figure I-7). The Town intends to require as conditions of Special Permit and Site Plan Approval that no-development restrictions be placed on these portions of the site.

Comment No. 6-30

The second subject is the protection of our water supply. The letter that was sent from the Watershed Inspector General's review of the measures being taken and the impact of this project clearly show that pollution of water is a distinct possibility.
(B-120, Richard Feuerman)

The NYS Attorney General letter from Aug. 23, 2018 rightly indicates a large possible increase in the already polluted Middlebranch Reservoir which feeds into the major source of NY City drinking water.
(B-151, Miriam Yekutiel)

Response No. 6-30

The SWPPP has been revised to address comments from the Watershed Inspector General's review of the project.

Comment No. 6-31

When I moved here from Queens we were led to believe this was watershed country and thus development of this size and type would not happen. This is DRINKING WATER.
(B-131, Christine Capuano)

Response No. 6-31

Comment noted.

Comment No. 6-32

Almost 8 acres of wetland buffer disturbance is in no way considered a minor encroachment. A total of 2.44 acres of NYS and Town and 5.37 acres of Town-only regulated buffer buffers are listed as being disturbed. The EIS should specifically break down the total area of wetland buffer impact for each of the six wetlands on site.
(B-137, NYCDEP)

Response No. 6-32

The below table summarizes the proposed area of wetland buffer disturbance for the currently proposed plan for each of the wetlands. In addition, Table I-11 "Table of Development Plans Comparison" provides a numerical environmental conditions comparison of the DEIS, FEIS and the approved/planned Mixed Use from the 1992 residential and office DEIS development plan.

	Proposed Buffer Disturbance (acres)	
Wetland	NYSDEC	Town
1	0	0
2	0	0
3	0	0.08
4	0.63	2.44
5	0.40	1.72
6	0.62	0.68
Unknown Wetland South of Route 312	0.43	0.30

Comment No. 6-33

Mitigation for the wetland encroachment at the Barrett Road crossing will be provided through restoration of the upper portion of wetland 4, but provides no indication of the size of the restoration area. The size of the restoration area should be provided, and its location should be included on the landscaping plans or on a separate restoration plan.
(B-137, NYCDEP)

Response No. 6-33

The compensatory mitigation areas in Wetland 4 are 1.54 acres in size (to mitigate for 0.05 acres of proposed wetland impact). The area is shown on Drawings MP-1 "Overall Habitat Restoration & Wetland Mitigation Plan" and MP-4 "Wetland & Wetland Buffer Restoration Plan" prepared by Evans Associates Environmental Consulting, Inc. (Evans Associates), dated last revised August 7, 2019. Thirteen acres of upland restoration and enhancement is proposed to mitigate the remaining buffer impacts. Please also refer to Response 6-7.

Comment No. 6-34

Part of the mitigation for the wetland encroachment at Barrett Road entails soil sterilization via solarization and replanting of sterilized soils with plugs of native sedges. A planting plan for this mitigation area should also be provided for review.
(B-137, NYCDEP)

Response No. 6-34

Please refer to Response No. 6-7 and 6-33.

Comment No. 6-35

Page D-38 states that "wetland buffer impacts will be mitigated through extensive wetland plantings in the stormwater management basins." However, the landscaping plans show only seeding for the basins. A detailed plant list should be provided.
(B-137, NYCDEP)

Response No. 6-35

The basins would be planted with native species as detailed on Drawings MP-5.1 and MP-5.2 "Planting Plan for Stormwater Management Practices" prepared by Evans Associates Environmental Consulting, Inc. (Evans Associates), dated March 18, 2019. Please refer to the Wetland Mitigation/Habitat Restoration Plan in Appendix 9-1, and discussed in Response No. 6-7 for additional details regarding wetland, wetland buffer, and upland habitat restoration and enhancement.

Comment No. 6-36

Mitigation for the proposed action is misleading. Very few green infrastructure techniques or measures are actually proposed and some practices such as rain gardens, may not be appropriate for the proposed development. Alternatives that address commercial development, such as the use of a green roof, should be considered.
(B-137, NYCDEP)

Response No. 6-36

The project is proposing two cisterns for landscape irrigation, one for Building A and one for Building B, which are green infrastructure practices.

Comment No. 6-37

Experience has shown that hay bales do not filter stormwater but rather cause the stormwater to flow around the hay bales resulting in additional erosion and sedimentation. This note must be revised in accordance with the practices included in the New York Standard Standards and Specification for Erosion and Sediment Control.
(B-137, NYCDEP)

Response No. 6-37

Hay bales are not proposed. Stone check dams are proposed in swales.

The note has been revised to indicate inlet protection.

Comment No. 6-38

The plan set did not include a floor plan layout of the warehouse building(s). It is understood that the buildings are speculative and no tenant has been identified, yet refrigeration and fire suppression are mentioned. Typically, discharges from floors are considered industrial waste and cannot be connected to the stormwater management facilities. Additional information regarding the primary mechanism for containing and removing liquid waste collected in any proposed floor drain system should be discussed in detail in a revised DEIS.
(B-137, NYCDEP)

Response No. 6-38

No floor drains are proposed for the facilities except for a maintenance drain in each building which would drain into a holding tank. The maintenance drain would receive used liquid cleaning materials used for cleaning the floors. The holding tanks would be periodically pumped by a licensed industrial waste handler for proper disposal in accordance with all applicable regulations.

Comment No. 6-39

At this stage of the SEQRA review, an opportunity exits to amend the method of stormwater treatment, reduce impervious surfaces and avoid earthwork on slopes in excess of 20%.
(B-137, NYCDEP)

Response No. 6-39

The methods of stormwater treatment have been amended in the revised SWPPP. The amount of impervious surfaces has been reduced by 8.3 acres. Earthwork on slopes in excess of 20% has been avoided where possible, with a reduction in disturbance to steep slopes from 22.5 acres to 18.8 acres.

Comment No. 6-40

Potential hazardous runoff from hundreds of construction & delivery vehicles and the resultant pollution.
(B-138, Michael Catalano)

Response No. 6-40

The runoff would be pre-treated with hydrodynamic structures to remove oil/fuel and then treated with standard stormwater management practices. Please see Response 15-6.

Comment No. 6-41

Encroachment on NYS DEC wetlands and Town regulated wetland and stream buffers.
(B-142, Steve & Susan Elias)

Response No. 6-41

Direct and indirect impacts to the wetlands and watercourses on the site have been avoided to the maximum extent practicable, and compensatory mitigation in the form of wetland and wetland buffer restoration and enhancement is proposed where impacts are unavoidable. In addition, upland habitat restoration and enhancement is also proposed. Please see Response 6-7.

Comment No. 6-42

FRESHWATER WETLANDS

Portions of the overall project site are near or within Freshwater Wetland LC-18 (Class I). A Freshwater Wetlands permit is required for any physical disturbance within these boundaries

or within the 100-foot adjacent area, and based on the materials provided, a Freshwater Wetlands permit will be required for the proposed project. The DEIS notes that the proposed project would permanently impact 0.05 acres of DEC wetland LC-18, as well as 2.44 acres of its 100-foot adjacent area. Appendix D-2 recognizes that the previous wetland delineation for this site, validated by DEC staff in 2007, is now expired. Thus, these impact area calculations are based on a wetland boundary which has not been validated by DEC Habitat staff. If the wetland boundary must be revised as part of the validation process, the impact areas would have to be recalculated.
(B-144, NYSDEC)

Response No. 6-42

The NYSDEC wetland boundary was reviewed and validated by Kelly McKean on February 15, 2018. A NYSDEC Freshwater Wetland Permit would be required for the project, and application would be made following the completion of the Lead Agency's SEQRA process.

Comment No. 6-43

Please note that as depicted in the DEIS, these wetland and wetland adjacent area disturbances would be incompatible with the wetland and its functions, and may not be capable of meeting permit issuance standards. Measures to avoid and/or further minimize these disturbances must be considered. Class I wetlands are afforded the highest protection and most activities that cannot avoid a loss in wetland benefits would not meet permit issuance standards. DEC recommends that all disturbances be eliminated that are not associated with the use or modification of existing features, such as the Barrett Road crossing or the lines to the existing well. Encroachment to allow new construction, such as buildings or associated stormwater treatment, will be more difficult to justify as unavoidable.
(B-144, NYSDEC)

Response No. 6-43

See Response 6-6 and 6-7. Response 6-7 notes the habitat restoration and enhancement in wetland, wetland buffer, and upland area mitigation measures that are proposed. A Joint Application will be submitted to NYSDEC and US ACOE and will include a narrative addressing the standards for Class I wetlands. Consistent with the permitting criteria for Class I wetlands, the proposed impacts to such wetlands are only in association with the improvements to the existing Barrett Road, and is unavoidable and there no practicable alternative. The improvements to Barrett Road and the associated mitigation measures are compatible with the public health and welfare, and satisfy a compelling economic and social need that clearly and substantially outweighs the minimal impact to the Class I wetlands.

Comment No. 6-44

PROTECTION OF WATERS

The following stream(s)/pond(s)/waterbody(ies) is(are) located within or near the site you indicated:

Name	***Class***	***DEC Water Index Number***	***Status***
Tribs of Middle Branch Reservoir and subtribs	*C*	*H-31-P44-23-P59-6-P62-3*	*Non-protected*

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A permit is not required to disturb the bed or banks of "non-protected" streams.

If a permit is not required. please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent

contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
(B-144, NYSDEC)

Response No. 6-44

Beaver Brook, which is the watercourse identified in the comment, is a Class C(TS) stream. No alteration to the bed or banks of this stream are proposed.

Impacts to the Class C (non-protected) streams would be avoided during construction through Erosion and Sediment Control Measures (JMC Drawings C-401 through C-405) and stormwater runoff from the proposed project would be captured and treated in accordance with the Stormwater Pollution Prevention Plan (Appendix 6-1).

Comment No. 6-45

WATER QUALITY CERTIFICATION

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. A copy of the current blanket for the 2017 Nationwide Permits is available on the DEC website at: http://www.dec.ny.gov/docs/permits ej operations pdf/wqcnwp2017.pdf.
(B-144, NYSDEC)

Response No. 6-45

Because the site is within the NYCDEP East of Hudson Watershed, the project does not qualify for a Nationwide Permit. However, the Stormwater Pollution Prevention

Plan (SWPPP) has been developed in accordance with the NYSDEC Stormwater Guidelines, and therefore should meet the standards for a Section 401 Water Quality Certification. A Joint Permit Application would be submitted to NYDEC and ACOE once SEQRA review is complete.

Comment No. 6-46

SPDES - STORMWATER DISCHARGE FROM CONSTRUCTION ACTIVITY

As the overall project will disturb over 5000 square feet or more of land within the NYC Department of Environmental Protection Watershed, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

The site is within a Municipal Separate Storm Sewer System (MS4) community, so the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.
(B-144, NYSDEC)

Response No. 6-46

So noted.

Comment No. 6-47

CULTURAL RESOURCES

As the DEIS recognizes, the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation indicates that the project is located within an area considered to be sensitive with

regard to archaeological resources. The determination of the project's potential effect on architectural and/or historic resources from the ·State Historic Preservation Office (SHPO) will be required to be submitted as part of the DEC permit process. For more information, please visit the SHPO website at http://www.nysparks.com/shpo/.
(B-144, NYSDEC)

Response No. 6-47

This New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) issued a letter of "No Effect" for the project, dated March 14, 2018, indicating that in their opinion no further testing was warranted. As explained in the DEIS, in addition to the correspondence from OPRHP, Phase 1B testing conducted at the site in 2005 also shows that the Area of Potential Effect of the project is unlikely to contain precontact resources and documentary research shows that the site has a low potential for historical period cultural resources.

The project would not impact the Watershed (Response 6-9), and as explained in Response 8-2, the project would not adversely impact offsite wells.

Comment No. 6-48

OTHER

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website, www.dec.ny.gov, under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at http://www.dec.ny.gov/permits/6081.html.

Applications for all DEC permits required for the project must be submitted simultaneously or the applicant must satisfy the Department that there is reason to not do so. Please note that this will be a major action pursuant to Uniform Procedures and a minimum 30-day public comment period will be required once the DEC applications are deemed complete.
(B-144, NYSDEC)

Response No. 6-48

Comment noted. A Joint Permit Application would be submitted to NYSDEC and ACOE once SEQRA review is complete.

Comment No. 6-49

SWPPP, page 7, 2. remove the third bullet statement since this statement is inaccurate and does not appear in the stormwater criteria.
(B-108, Watershed Inspector General)

Response No. 6-49

The noted statement has been deleted.

Comment No. 6-50

SWPPP, page 38, states that all rock riprap aprons will be 10 feet by 10 feet in size. This sizing does not comply with the 2016 NYS Standards and Specifications for Erosion and Sediment Control (aka 2016 Blue Book). In addition, all rock outlet protection structures (ROP) must meet the criteria shown on page 3.39 of the 2016 Blue Book. Although this design data is shown on drawing C-905 in Detail 77, the title of the detail is missing and needs to be provided.
(B-108, Watershed Inspector General)

Response No. 6-50

The statement within the SWPPP has been corrected and the title of the detail has been changed to Rip-Rap Outlet Protection. Each rip rap outlet protection has been sized in accordance the 2016 NYS Standards and Specifications for Erosion and Sediment Control and correctly shown on the plans as well as the detail.

Comment No. 6-51

SWPPP, page 39, 7, states that a permanent vegetative cover must consist of 70% perennial vegetation. However, New York State requires that a permanent vegetative cover consist of at least 80% perennial vegetation. This discrepancy needs to be addressed.
(B-108, Watershed Inspector General)

Response No. 6-51

The percentage has been changed to 80%.

Comment No. 6-52

SWPPP, page 40, Soil Restoration, the table that appears on page 40 should be placed on the site drawings in the Erosion & Sediment Control set.
(B-108, Watershed Inspector General)

Response No. 6-52

The Soil Restoration Requirements table has been added to the Erosion and Sediment Control drawings.

Comment No. 6-53

SWPPP, page 42, the 2nd paragraph states that "denuded" surfaces that have been left for a period of 2 months must be seeded. New York State requires that all exposed areas left for over 14 days must be stabilized with seed and mulch. Due to the large exposed areas for this project, greater than 5 acres at a time, and its proximity to the Middle Branch Reservoir, this requirement needs to be tightened to 7 days. This correction needs to be made in the SWPPP and in the notes on the E&S drawings sheets C-401 to C-405.
(B-108, Watershed Inspector General)

Response No. 6-53

The correction has been made in the SWPPP and Note 9 on the Erosion and Sediment Control drawings.

Comment No. 6-54

SWPPP, page 44, a narrative must be added to this section recognizing that this project is in a phosphorous impaired watershed. The narrative needs to discuss the application of fertilizers, which are governed by the NY Nutrient Runoff Law. The project also needs to comply with the Fertilizer Application standard on page 4.21 in the 2016 Blue Book.
(B-108, Watershed Inspector General)

Response No. 6-54

The above noted items have been added to the SWPPP.

Comment No. 6-55

Sheet C-900 and SWPPP page 29, Detail 3 of the drawing shows catch basins equipped with Silt Sack to collect sediment. This practice does not meet NYS standards and must be removed. Catch Basin inserts must meet the standard for Storm Drain Inlet Protection on page 5.57 of the 2016 Blue Book.
(B-108, Watershed Inspector General)

Response No. 6-55

Detail 3 has been deleted and Silt Sack has been replaced with Manufactured Insert Inlet Protection in the text of the SWPPP.

Comment No. 6-56

Sheet C-900, detail 2 shows a riser and anti-vortex device for a sediment basin. This detail needs to be deleted and replaced with a full design for a sediment basin that complies with the Sediment Basin standard on page 5.19 of the 2016 Blue Book. This will also require the hydrologic analysis for the 10-year storm, since all drainage areas will exceed 5 acres. In addition, all basins will require a skimmer dewatering device designed in accordance with that standard on page 5.10 of the 2016 Blue Book.
(B-108, Watershed Inspector General)

Response No. 6-56

The Temporary Riser and Anti-Vortex detail has been revised and a Temporary Sediment Basin detail has been added to the construction details. A Skimmer Dewatering Device detail has also been added to the Construction Details. All temporary sediment basins sizing calculations can be found in Appendix 'H' of the

revised SWPPP. Additionally, the cleaning schedule has been discussed within the SWPPP and added to Appendix 'K' of the revised SWPPP.

Comment No. 6-57

Sheet C-900, change the title of Detail 8 to Stabilized Construction Access and make the width 24 feet instead of 20 feet to agree with the standard on page 2.30 of the 2016 Blue Book. (B-108, Watershed Inspector General)

Response No. 6-57

All references to stabilized construction entrance within the plans and SWPPP text have been changed to stabilized construction access. Additionally, the width has been changed to 24' from 20'.

Comment No. 6-58

Sheets C-401 to C-405,

a. *Indicate the slope steepness for the cut and fill slopes (e.g. 2:1)*
b. *Label and include the soil survey boundaries on all plan views.*
c. *Locate all sediment traps and basins on applicable soil plan drawings and show their respective drainage areas, storage volumes, and outlet structures.*
d. *Silt fence is shown right at the toe of fill slopes. Silt fencing should be moved 10 feet from the toe of slope to collect sediment and maintain its integrity.*
e. *Note 5 needs to establish that a "Qualified Inspector" will be making inspections and filing their reports in accordance with NY General Permit for Stormwater Discharges from Construction Activities (GP- 0-015-002). In this case, since more than 5 acres will be open at one time, this requires 2 inspections per week, separated by 2 days.*
f. *Proposed stockpile and staging areas need to be designated.*
g. *As noted in #5 above, change generic note 7 to delete the 14-day stabilization reference to read only "7" calendar days for this specific site.*

h. A detailed construction phasing plan is needed with appropriate sequencing within each phase. The generic narrative provided is not detailed enough to minimize potential environmental impacts from

(B-108, Watershed Inspector General)

Response No. 6-58

a. The proposed slope steepness is depicted on the Grading Plans.

b. The soil survey boundaries have been shown on the Existing Conditions plans. Adding the soil survey boundaries to other site plans negatively impacted the readability of these plans.

c. All temporary sediment basins are identified on the Erosion and Sediment Control Plans. Their drainage areas, storage volumes and outlet structures are shown on the Temporary Sediment Basin detail. Additionally, sediment basin sizing calculations and a sediment basin drainage area map are provided in Appendix H of the revised SWPPP.

d. Silt fencing has been moved away from the toe of slope.

e. Note 5 has been revised in response to the comment.

f. Proposed stockpile and staging areas have been identified on the Erosion and Sediment Control plans (JMC drawings C-401 though C-405) for each phase. Additionally, each stockpile and staging area have been designated which phase(s) they should be utilized in JMC drawing C-421 "Phasing/Sequencing of Construction Notes" has also been revised to identify how these stockpile areas and staging areas are utilized per phase.

g. Note 7 has been changed from 14 to 7 calendar days.

h. A Phasing Plan has been provided in Appendix N of the SWPPP. A detailed Sequence of Construction has been provided in the SWPPP. This sequence of construction has been revised to include specific erosion and sediment control measures for each phase including staging areas, temporary stockpile areas, and establishment of vegetation measures.

Comment No. 6-59

SWPPP, page 10, 12. States that the Soil Conservation Service (SCS) Type III rainfall distribution was used to calculate peak runoff values. The Type III rainfall distribution was replaced in January 2011 by the NY Natural Resources Conservation Service (NRCS), with rainfall distributions calculated from the Northeast Regional Climate Center (NRCC). This allows for a different rainfall distribution for each frequency event by importing the NRCC rainfall table into the hydrologic computer model. NRCS TR20, HydroCAD, and other models can do this. Once the computer model is run, the entire routing set can be re-run for appropriate values.
(B-108, Watershed Inspector General)

Response No. 6-59

Rainfall distributions from the Northeast Regional Climate Center have been utilized in the revised hydrologic calculations.

Comment No. 6-60

SWPPP, Appendix A. Pond Pack 3.01, for the time of concentration (Tc) calculations, the manning coefficient for sheet flow (SF) was 0.24 for all watersheds but one. Based on the existing wooded areas on site, 0.40 (woods, light, from TR55) is more appropriate. In addition, the shallow concentrated flow (SCF) used in these routings was taken as Unpaved as noted in TR55, where the only choices are Paved or Unpaved. U.S. Department of Agriculture (USDA) NRCS National Engineering Handbook (NEH) Section 4 "Hydrology" offers 6 additional land

descriptions for shallow concentrated flow. To compare, the velocity vector for Unpaved is 16.1 feet per second, whereas the velocity vector for SCF in Woodland is 5.0 feet per second. The slower rate leads to a longer Tc, which reduces the existing peak discharges for all frequency events. The current Tc for all events need to be re-calculated, and the routings redone.
(B-108, Watershed Inspector General)

Response No. 6-60

The time of concentration for all watersheds has been recalculated utilizing the appropriate manning coefficient for the cover types determined by the Project's environment consultant. Shallow concentrated flow is taken as unpaved in accordance with TR-20, which is all that is required as stated in the Stormwater Management Design Manual.

Comment No. 6-61

SWPPP, page 10, Table 1, there is a difference between these peak runoff values and the Pond Pack runoff values for the computed time interval. For example, for existing drainage area 1 (EDA-1), the 100-year peak runoff value is 192.51 cubic feet per second (cfs) in the table but 193.05 cfs on the Pond Pack output for the computed time interval. This discrepancy needs to be resolved.
(B-108, Watershed Inspector General)

Response No. 6-61

The discrepancy has been resolved.

Comment No. 6-62

SWPPP, page 1,049, some drainage area boundaries and some Tc flow paths appear to be misdrawn. The drainage area boundaries need to be drawn from the design point to catch all runoff that would flow to that point. The Tc flow path is that path that is the hydrologically most distant point in the watershed. It cannot cut across contours of the same elevation. The maps supplied have no contour elevations shown. A better drainage area map needs to be provided with contours and more detailed delineated drainage area boundaries for analysis. (B-108, Watershed Inspector General)

Response No. 6-62

The drainage area boundaries and time of concentration flow paths have been redrawn. Contour elevations are indicated on the drainage area maps.

Comment No. 6-63

SWPPP, Appendix A, Pond Pack EDA analysis; I created an independent analysis for EDA-3 to compare how parameter changes affected peak discharges. I created 3 separate HydroCAD files for EDA-3 and compared the results to Table 1 on page 14 of the SWPPP for the following three storms. The results follow:

	SWPPP	*H'CAD**	*H'CAD2*	*H'CAD3*
1 Year	*24.92*	*25.21*	*22.49*	*20.27*
10 Year	*89.75*	*91.29*	*81.02*	*71.93*
100 Year	*225.63*	*230.51*	*204.44*	*176.65*

**H'CAD = HydroCAD*

H'CAD 1 is the existing EDA-3 with all the SWPPP parameters entered as they appear in the Bentley Pond Pack model. You can see the H'CAD values are slightly higher, but essentially agree with the SWPPP.

H'CAD 2 utilizes a Manning's coefficient of 0.4 for woodland instead of the SWPPP value of 0.24 for dense grass. It also uses the USD A NRCS NEH Section 4 overland flow velocity factor of 5 feet per second for woodland, instead of the TR55 value of 16.1 feet per second for "Unpaved" surfaces. These changes result in a longer Tc, and thus lower peak rates of discharge.

H'CAD 3 uses the changed coefficients in H'CAD 2, but now they are used with the NRCC rainfall distributions for the site instead of the outdated Soil Conservation Service Type III rainfall distribution. You can see there are significant reductions in the peak flow rates across all storms (e.g. approximately 22% for the 100-year storm).

Based on the results of this review, the hydrologic modeling should be rerun, using the appropriate coefficients and rainfall distributions. This is applicable to both the existing and the developed condition, and particular care should be taken when delineating the drainage areas and Tc flow paths.
(B-108, Watershed Inspector General)

Response No. 6-63

The existing and proposed hydrologic analyses have been recalculated using appropriate coefficients and rainfall distributions.

Comment No. 6-64

Drawings C-301 to C-305, there are 6 infiltration basin/detention pond systems with approximately 13 outlet control structures (OCS) shown on these sheets. However, the OCS detail on sheet C-905 is generic and does not provide the level of detail required to evaluate

each structure. This detail also lacks a number. This information must be provided on the drawings for all structures.
(B-108, Watershed Inspector General)

Response No. 6-64

The Outlet Control Structure detail has been revised to provide a table listing the information for each structure. This has been discussed with the Town Engineering Consultant who found it acceptable.

Comment No. 6-65

Drawing C-906, Detail 81 shows a detail for an underground detention storage facility (Stormtech Chambers MC-3500). Unfortunately, there are no details included on the grading plan (e.g. elevations) which show how this system is to be constructed. These details are needed. Also, on Drawing C- 906, another OCS detail, number 82, is also generic and does not provide the level of detail required to evaluate the 13 outlet control structures proposed. This information must be provided on the drawings for all structures.
(B-108, Watershed Inspector General)

Response No. 6-65

Stormtech chambers are no longer proposed and the details for the chambers and outlet control structure have been deleted.

Comment No. 6-66

Drawing C-905, Detail 74 shows the rock emergency spillway going over the top of the pond embankment and down a 3:1 slope. These spillways need to be constructed in natural ground and strategically located so that overtopping flow will not erode the downstream slope of the dam. Additional information pertaining to the rock emergency spillway needs to be provided.

(B-108, Watershed Inspector General)

Response No. 6-66

The Rip-Rap Emergency Spillway has been revised to show the spillway in natural ground.

Comment No. 6-67

The SWPPP narrative, beginning on page 18, describes stormwater runoff flow, as it is routed through various basin systems. It describes flows as "moving slowly" over weirs from forebay to infiltration basin to detention ponds. An inspection of infiltration basin 3B-1B for example, shows no details for this weir system on the C-202 Grading Plan, the C-302 Utility Plan, or the C-906 Details. Details, both in the plan view and the cross-section, must be provided for all system components.
(B-108, Watershed Inspector General)

Response No. 6-67

Hydrodynamic structures are now proposed for pre-treatment instead of forebays. Details for all system components have been provided.

Comment No. 6-68

SWPPP, Appendix B, Proposed Hydrologic Calculations, contains 798 pages of computer printout. Pertinent summaries of key data and information should be provided such as the runoff reduction volume (RRv) and water quality volume (WQv) results for each infiltration basin. Other key data, such as peak flow rates and water surface elevations, needs to be highlighted for recognition.
(B-108, Watershed Inspector General)

Response No. 6-68

Runoff reduction and water quality volume calculations are provided in Appendix E of the SWPPP. Peak flow rates are summarized in the Node Summary and water surface elevations are summarized in the Pond Summary.

Comment No. 6-69

SWPPP, Appendix B, page 10.199 of the computer printout shows an infiltration rate for IB 3B as 1.19 cfs. How was this determined? The estimated infiltration rate was given at 2 inches per hour on page 20 of the SWPPP. I calculated 2 inches of the hydrologic soil group (HSG) "C" soil for this basin as having an infiltration rate of approximately 0.25 cfs. (Group C soils have a slow infiltration rate). This basin has a footprint of 26,862 square feet at an elevation of 640 feet. The soil depth of 2 inches occupies 4,478 cubic feet, and with a void ratio of 20%, has available storage for 896 cubic feet of water. To fill this void over an hour is to divide 896 by 3600 seconds per hour for a result of 0.25 cubic feet per second, not 1.19 cfs.
(B-108, Watershed Inspector General)

Response No. 6-69

The basin infiltration rates are calculated by multiplying the area of the floor of the basin by the tested infiltration rate.

Comment No. 6-70

The SWPPP details the stormwater management system on pages 18 through 24. Six infiltration basins and one underground chamber system are proposed to remove pollutants from the stormwater runoff. However, there is no infiltration test data to support their use. The developer's engineer, JMC, assigns infiltration rates of 1 inch per hour for basins IB-1, IB-2, 4B,

and the StormTech MC-3500 unit, and 2 inches per hour for basins 3B, 5B, and 5C. These are estimates from a May 3, 2017 field visit.

The soil survey data presented in the DEIS, Section III, makes note that the Sun, Woodbridge, and Paxton soils have slow to very slow permeability, and can have water tables within 6 inches of the ground surface. Appendix C of the SWPPP, Soil Test Data, from SEIS Consulting Engineers, dated October 1987 supports the soil survey conclusions.

Therefore, all infiltration basin locations must be validated in accordance with Appendix D of the January 2015 NYS Stormwater Management Design Manual. The testing must be performed at the specific location and at the proposed basin bottom elevation. Infiltration basin testing is often witnessed by NYC Department of Environmental Protection personnel. Confirmatory field testing is required to prove the effectiveness of infiltration basins.
(B-108, Watershed Inspector General)

Response No. 6-70

Testing in accordance with Appendix D was performed in the locations of the proposed infiltration basins. The results of these tests are provided in Appendix D of the SWPPP. The testing was witnessed by NYCDEP personnel.

Comment No. 6-71

I performed a preliminary pollutant load analysis (PEA) using the Simple Method and loading values provided by the East of Hudson (EOH 3115) Watershed Corporation. The existing condition total phosphorous (TP) load was calculated to be 128.1 pounds. (The major land uses were forest and roadway.) The developed condition TP load was calculated to be 304.6 pounds for land uses of forest, impervious area and commercial open space. This is approximately 2.4 times the original amount or a 138% increase.

Since the final configuration of this project is incomplete, due to a lack of design details, estimates of pollutant removal are difficult to calculate. However, if the proposed stormwater treatment practices (e.g. infiltration basin) pass their feasibility tests, a PLA can be estimated. The East of Hudson Watershed Corporation has assigned a TP removal efficiency of 50% for infiltration basins. And the detention ponds shown on the Utility Drawings are "Dry" ponds, which drain empty after each event. This means there is no permanent pool established to capture pollutants. In fact, dry ponds add to the TP load leaving the site. The 2016 www.bmpdatabase.org website shows a 67% increase in TP for grass swales and a 21% increase in TP for grass strips. This is the land use condition of the bottom of a dry pond. These values average to a 44% increase in TP estimated using a dry pond.

Hypothetically, if all 304.6 pounds were treated by the infiltration basins and 50% was removed, that would leave 152.3 pounds. If this is routed through the dry detention basins and TP was increased by 44%, we would project a TP addition of 67 pounds for a total of 219.3 pounds. This is 1.7 times the existing load and the system would not be very effective at removing TP. Other design configurations should be considered.
(B-108, Watershed Inspector General)

Response No. 6-71

The dry ponds have been replaced with a pocket pond and wet extended detention ponds, even though these ponds are downstream of the off-line infiltration basins. The existing and proposed total phosphorous load calculations are provided in Appendix G of the SWPPP. These calculations will continue to be updated as the project progresses through the entitlement process.

Comment No. 6-72

The infiltration Basin 3B configuration transfers flow from the forebay to the detention pond over weirs at the same bottom elevations. This system will flush through during larger storm

events, since these events will easily push pollutant laden water from one basin to another without any detention time for pollutant settling.

Page 6-33 of the January 2015 NYS Stormwater Management Design Manual shows the configuration for an infiltration basin with the forebay above the design high water. Note that the infiltration basin is also designed for the detention requirements, limiting discharges from the 10-year and 100-year storm. Use of this system will reduce the proposed footprint since two basins will be replaced by one basin. In addition, the outflow from the infiltration basin could be routed through a stormwater wetland which would further reduce the pollutant load prior to its entry to the natural system.
(B-108, Watershed Inspector General)

Response No. 6-72

Hydrodynamic structures are now proposed for pre-treatment instead of forebays. A maintenance agreement will be in place to ensure that these structures continue to work properly. This maintenance plan (provided in Appendix K of the SWPPP) includes an inspection/maintenance schedule which is more stringent than manufacturer recommendations. A second basin is provided because the NYCDEP would not allow runoff in excess of a 10-year design storm to be detained in an infiltration basin.

Comment No. 6-73

The Middle Branch Reservoir is phosphorous impaired (June 2000, New York State Department of Environmental Conservation Phase II Phosphorus Total Maximum Daily Loads for Reservoirs in the New York City Water Supply Watershed (Delaware, Dutchess, Greene, Putnam, Schoharie, Sullivan, Ulster, and Westchester Counties). Table 2, column 1 on page 17 presents the calculated TMDL for total phosphorus (TP) of 949 Kg/yr. Column 2 in the table presents the available load, which is defined as the calculated TMDL minus a "margin of safety" or MOS value. For the Middle Branch Reservoir, the MOS is 14% of the calculated TMDL or 0.14 x 949 = 133 Kg/yr. Subtracting 133 Kg/year from the calculated TMDL of 949 Kg/yr = 816

Kg/yr. Column 3 presents the current total phosphorus load 1,020 Kg/yr in the Middle Branch Reservoir.

The current TP load exceeds the available load (1,020 Kg/yr - 816 Kg/yr) by 204 Kg/year. Since the current TP load exceeds the available load of the receiving reservoir, it must be reduced, as does the TP load from new construction. To determine the percent reduction needed to meet the water quality objective, the excess load is divided by the current load or 204 Kg/yr /1020 Kg/yr = .20 or 20%. To achieve a 20% reduction, the Project would need to remove an additional 25.6 pounds (128.1 lbs. x 0.2) from the current load in addition to the load created by the development after treatment. This would mean that 244.9 pounds (25.6 lbs. + 219.3 lbs.) of TP would need further reduction onsite and/or offsite in the Middle Branch Reservoir Watershed.
(B-108, Watershed Inspector General)

Response No. 6-73

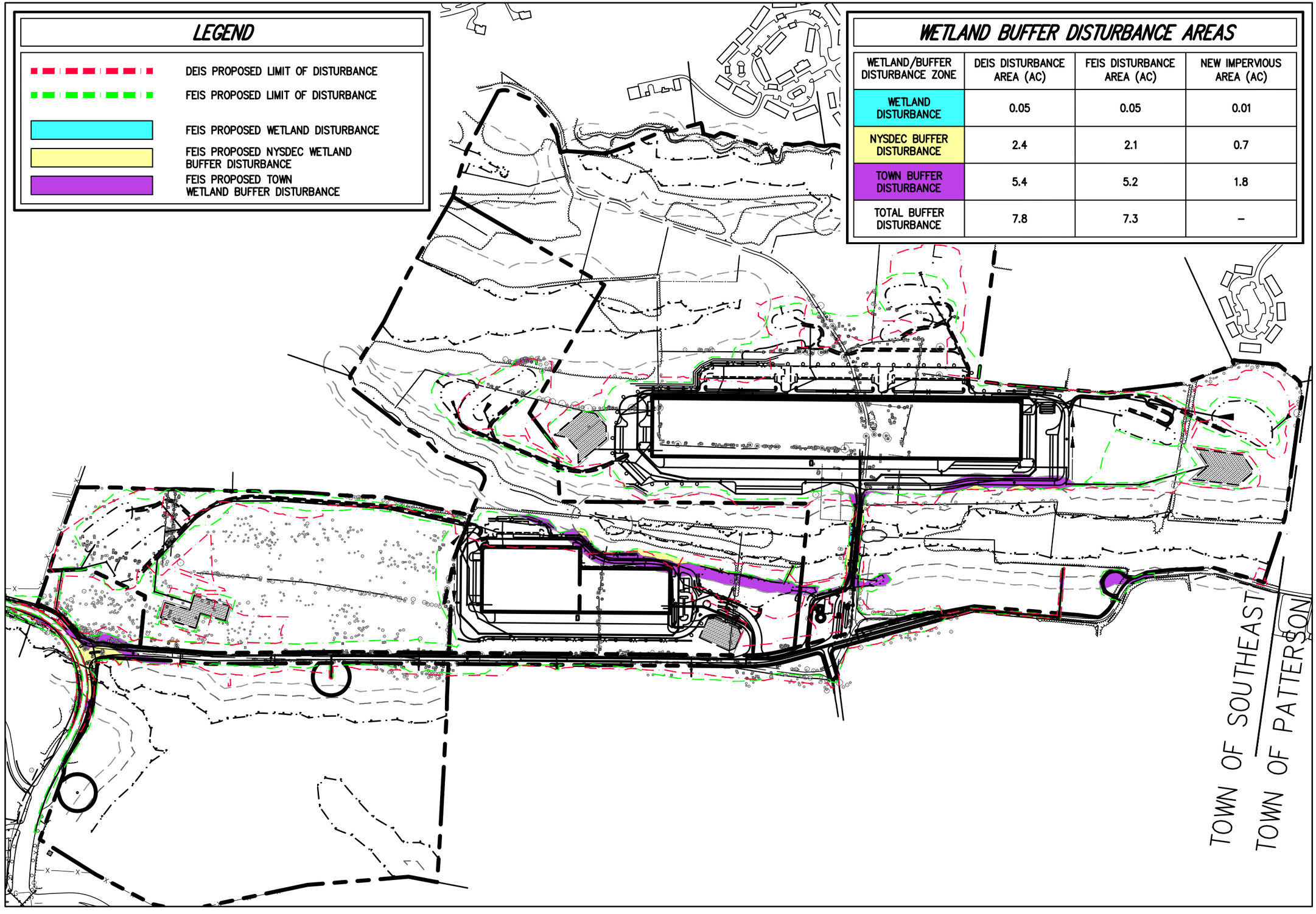
The applicant has proposed standard stormwater management practices and green infrastructure practices to treat runoff onsite and runoff from off-site roads that currently is not treated. Pollutant loading calculations will continue to be updated as the project progresses.

LEGEND

- DEIS PROPOSED LIMIT OF DISTURBANCE
- FEIS PROPOSED LIMIT OF DISTURBANCE
- FEIS PROPOSED WETLAND DISTURBANCE
- FEIS PROPOSED NYSDEC WETLAND BUFFER DISTURBANCE
- FEIS PROPOSED TOWN WETLAND BUFFER DISTURBANCE

WETLAND BUFFER DISTURBANCE AREAS

WETLAND/BUFFER DISTURBANCE ZONE	DEIS DISTURBANCE AREA (AC)	FEIS DISTURBANCE AREA (AC)	NEW IMPERVIOUS AREA (AC)
WETLAND DISTURBANCE	0.05	0.05	0.01
NYSDEC BUFFER DISTURBANCE	2.4	2.1	0.7
TOWN BUFFER DISTURBANCE	5.4	5.2	1.8
TOTAL BUFFER DISTURBANCE	7.8	7.3	–



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TOWN OF SOUTHEAST, NEW YORK

PROPOSED WETLAND / BUFFER DISTURBANCE AREAS COMPARISON

DATE: 12/2019
JMC PROJECT: 14012
SCALE: 1" = 500'

FIGURE: III.6-1

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14012–S&E.dwg; WETLAND–DIST–COMPARISON.tab; WET–DIST–COMPARISON.scr

III.7 Geology, Soils and Topography

Comment No. 7-1

The implications of development within significant areas of onsite soil designated as Prime Farmland and development adjacent to a State-designated Agricultural District should be discussed further in the chapter. Attention should be given to characterizing the loss of these Prime Farmland soils and the adverse impacts of proposed traffic/disturbance to adjacent agricultural uses.
(B-1, AKRF)

Response No. 7-1

Much of the land within the areas proposed for development on the subject property comprises Paxton and Woodbridge soils (0 to 8 percent slopes). These areas are identified as Prime Farmland by the Natural Resources Conservation Service (NRCS) and United States Department of Agriculture (USDA) based on their soil type. Farmland classification identifies soil types (soil map units on the Web Soil Survey) as "…prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops."[1] The Sun loam and Ridgebury complex (3 to 8 percent slopes) soils in the central wetland corridor (Wetlands 4 and 5) are identified as Farmland of Statewide Importance by NRCS.

Agricultural activities on the site ceased more than 20 years ago and, like the surrounding area, it has long since ceased to be economically viable to operate a commercial farming operation on the site. As such, the Town has previously authorized the conversion of the site to other uses, namely, the Town previously approved the development of the site for residential homes with a commercial component. The site

[1] Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: https://websoilsurvey.sc.egov.usda.gov/. Accessed October 30, 2018.

is currently in a vegetative transition from cultivated fields to woody regrowth, with a majority of the site covered in invasive shrubs and vines.

An Agricultural District is located adjacent to the southern portion of the subject property (according to a 2013 map accessed from the Cornell University Geospatial Information Repository)[2]. This off-site parcel contains Tilly Foster Farm (which contains a culinary educational institute and associated Tilly's Table restaurant, community gardens, nature trails, and farm animals) and is located in the Rural Commercial (RC) zone.

The project would have no direct impact on the Agricultural District, because none of the proposed improvements would occur on property within the Agricultural District (Figure III.7-1).

In summary, it is not anticipated there would be any significant adverse impacts of the proposed traffic/disturbance to adjacent agricultural uses.

Comment No. 7-2

The chapter should identify the quantities of cut/fill necessary to facilitate the site plan based on the proposed grading plan.
(B-1, AKRF)

But I don't think you addressed it anywhere about the cut and fill or how that's going to really work.
(B-2, PH #1, Ms. Ingraham)

In accordance with the site plan requirements of 138-41.E(2)(c)[2][f], the submission should

[2] https://cugir.library.cornell.edu/catalog/cugir-007982. Accessed October 30, 2018.

indicate the extent of cut and amount of cut and fill for all disturbed areas.
(B-4, Jacobson Engineering, Joseph M. Dillon, P.E.)

DEIS, page 1-29, states that the intent of the grading plan is to balance cuts and fills. However, neither cut nor fill calculations are presented in the DEIS or the SWPPP. This calculation is a required by the NY General Permit for Stormwater Discharges from Construction Activities, GP-0-15-002, for activities that disturb more than 5 acres of land at one time.
(B-108, Watershed Inspector General)

Response No. 7-2

The intent of the grading design of the site is to balance the earthwork, such that no excess material would need to be exported off of the site, and no material would need to be brought into the site as fill (see the full-size drawings C-200 to C-205 "Grading Plans" enclosed with this FEIS). The current grading design results in an approximate balance of cut and of fill, for a net site balance. The site is large, and should it be necessary any excess amount of excavated material would be utilized as berm material within the limit of disturbance. A factor of 1.15 was applied to the fill volume in the earthwork calculations.

Comment No. 7-3

The predominant soils onsite, the Paxton and Woodbridge soils, have severe limitations due to slope and/or wetness due to slow permeability of subsoil. Chapter II.D indicates that Paxton soils contain fines which "warrant additional sediment and erosion control measures which will set forth in the Final SWPPP." The FEIS should explain further and provide type(s) of applicable erosion control measures that may be used to address this unique soil constraint.
(B-1, AKRF)

Response No. 7-3

The proposed temporary sediment basins would utilize a skimmer dewatering device which conveys the least sediment-laden water from the surface of the basin to the basin's outlet. This allows for the sediment in the water to stay settled at the bottom of the temporary sediment basin, which would handle sediment in runoff from the site's Paxton/Woodbridge soils. Maintenance for the skimmer dewatering device has also been added within the revised SWPPP text as well as within the inspection/maintenance checklists within Appendix 'K' of the revised SWPPP. (Appendix 7-1 contains an updated Geotechnical Report.)

Comment No. 7-4

To avoid onsite wetlands, the four warehouse buildings, loading, and parking areas are proposed to be located on the two ridgelines (drumlins) occupying the high points of the site, at elevations of 672 feet and 690 feet. Town Code §138-12.1 Ridgeline Protection requires that buildings and structures not be visible above the top of the ridgeline or from adjoining properties or public rights-of-way to the maximum extent practicable. Alternative building locations are not available onsite. Therefore, minimization of ridgeline impacts, both impacts to soils from grade changes to the ridgelines and to viewsheds, would need to focus further on building size, number, height, and orientation, as well as extent of cut/fill and vegetation preservation.
(B-1, AKRF)

Response No. 7-4

The Preferred Alternative Plan's reduction of the project, in response to public comments, from four (4) buildings to (2) buildings and from 1,124,575 square feet (s.f.) in the DEIS Plan to 933,100 s.f., constitutes an approximately 17% reduction (of 191,475 s.f.) in the project size, which would further minimize the project's ridgeline impacts. The ridgeline associated with the southernmost buildings (Buildings 1 and 2 in the DEIS

and Building A in the FEIS) has 40% less disturbance and 75% fewer trees removed under the Preferred Alternative Plan. The impacts to the northernly ridgeline have been reduced slightly (9% less disturbance and 3% fewer trees removed) under the Preferred Alternative Plan.

According to the Applicant, the remaining size of the buildings in the Preferred Alternative Plan are the minimum necessary for the project to be economically feasible given the costs not only of the site work but the cost of the extensive off-site traffic and roadway improvements proposed by the Applicant. The two (2) buildings in the Preferred Alternative Plan reduce impacts to wetlands, slopes, and the ridgelines when compared to the DEIS plan, as discussed below. Cut and fill with the proposed project is already effectively balanced (see Response No. 7-2). The project would not impact any significant vegetation. The great majority of the disturbance area is situated on abandoned farmland, with the dominant vegetation non-native invasive vines and shrubs. Only 0.05 acres of forested wetlands/emergent march community is proposed to be disturbed, and this limited impact is to be mitigated with a Wetland/Habitat Restoration Plan which proposes to enhance the developed portions of the site at the Barrett Road crossing as well as other non-wetland locations. This would be accomplished through control of invasive species and restoration of a variety of habitats using substantial amounts of native trees, shrubs, forbs and grasses to provide improved habitat for a variety of mammals, birds, reptiles and amphibians currently found on the site (see Appendices 9-1 and 9-3).

As the Comment notes, alternative building locations are not available onsite. As noted in Response 18-1, ridgelines are defined in the Town Code as the uppermost 50 vertical feet of a hill or mountain above a minimum elevation of 500 feet above mean sea level. The ridgelines on the site are relatively level and do not have a perceptible peak. The ridgelines constitute a significant portion of Lots 2 and 3. The ridgeline adjacent to Building A is approximately 2,900 feet long, and the ridgeline on which Building B is to be constructed is approximately 3,900 feet long. Accordingly, entirely avoiding the

ridgelines or any impacts to wetland and wetland buffer areas within the site would virtually prohibit any reasonable development of the property.

The Preferred Alternative Plan, consistent with the Town Code's Ridgeline Protection provisions, allows the project to be developed on the site's ridgelines while avoiding off-site impacts to the maximum extent practicable and without excessive clearing. As described in the DEIS, the Zoning Code specifies that buildings and structures within any area defined as ridgeline not be, to the maximum extent practicable, visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding property or public rights-of-way in adjoining lowlands or adjoining ridgelines. Neither is excessive clearing of any ridgeline area to be permitted for the purpose of site access, site landscaping, installation of subsurface sewage disposal systems, or any other modification to the natural land. The term "excessive clearing" in this context means the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed.

Several measures are incorporated into the Preferred Alternative Plan to ensure its compliance with, or that its impacts would be substantially less than, what the Ridgeline Protection provisions allow. The measures include having the proposed finished floor elevations of the buildings substantially below the existing tops of the ridgelines, removing trees at a ratio substantially below the maximum number of trees permitted by the Town Code, preserving existing trees within the ridgeline and adjacent areas where practicable, providing a substantial buffer from roadways and residents, coloring the building to blend into the surroundings, providing retaining walls, providing extensive evergreen and deciduous tree plantings, and providing dark sky friendly site lighting.

Zoning regulations permit the heights of buildings in the OP-3 district to be 45 feet as measured from the average elevation of the proposed finished grade at the front of the building. If the proposed buildings were placed on top of the existing ridgelines, the maximum potential height of Building A and Building B would be at elevations 717 feet and 735 feet respectively. In contrast, the Preferred Alternative shows the maximum

height of Building A to be at elevation 693 feet and the maximum height of Building B at elevation 716.5 feet. Both buildings are materially below the maximum permitted height possible at the site which reduces the visibility of each building to the surrounding areas. Existing trees in the ridgeline areas are 50-80 feet high which further obscures the visibility of the 44 feet the proposed buildings from the surrounding area.

Topography in the area would also help ensure that development on the site's ridgelines for the Preferred Alternative Plan would not have off-site impacts. While the proposed buildings are within the on-site ridgelines, other areas in the vicinity of the site are at higher elevations, further obstructing the view of the buildings from off-site. For example, the existing wooded Town of Southeast owned parcel located adjacent to the site, on the east side of Fields Corner Road, the north side of Zimmer Road/Barrett Road and the west side of I-84, has a ground elevation at the highpoint of approximately 810 feet, more than 130 feet above the highest proposed finished floor elevation of 672.5 feet. Accordingly, the Town property provides screening of the proposed buildings from I-84 and other locations. North of the site, a large undeveloped wooded property has a ground elevation of approximately 850 feet, more than 170 feet above the finished floor elevation of 672.5 feet, again providing an effective visual buffer. Adding the existing tree height of 50-80 feet provides a visual barrier up to 220-250 feet above the finished floor elevation.

Comment No. 7-5

The project should explore additional measures to reduce steep slopes disturbance, currently at 22.5 acres of disturbance to slopes 15% or greater. Reduction or re-arrangements in project footprint would be the principal means to reduce these impacts.
(B-1, AKRF)

Response No. 7-5

The FEIS Preferred Alternative Plan reduces disturbance to steep slopes to 18.8 acres (Figure III.7-2).

Comment No. 7-6

The Grading Plans indicate areas with proposed 2:1 vertical stabilized slopes will be designed by a geotechnical engineer. A standard detail should be provided to identify the method(s) used for stabilization.
(B-4, Jacobson Engineering, Joseph M. Dillon, P.E.)

Response No. 7-6

A detail has been added to the Construction Details drawings, depicting the standard geotechnical engineering method for stabilizing slopes greater than 2 horizontal: 1 vertical. The stabilized slopes are designed according to the recommendations of the geotechnical engineer (Appendix 7-1), who would supervise their installation.

Comment No. 7-7

The results of soil testing completed in March 2018 revealed marginal soils which may not be entirely suitable for subsurface sewage treatment. In particular, the proposed septic areas of Buildings #1 and #2 have some sub-areas with failing, or near failing percolation rates, as well as depth to groundwater seepages of between two and four feet from grade. In fact, several percolation tests showed rates of 120 min/inch; note that the slowest soil percolation rate acceptable is 60 minutes/inch. While options to mitigate these soil conditions are available (e.g. curtain drains), the presence of groundwater less than 30 inches from grade will require testing for several months prior to approval. Given the marginal soil conditions, the applicant has not fully analyzed all potential impacts that subsurface sewage treatment systems pose to

groundwater. Additional soil testing should be performed to verify that suitable soils exist in these areas.
(B-137, NYCDEP)

Response No. 7-7

The areas in question have all been re-examined and acceptable percolation rates have been obtained in three additional tests subsequent to the March 2018 testing. These tests were conducted in accordance with applicable regulations to make sure that suitable areas exist for subsurface sewage treatment. The tests were witnessed by the Putnam County Department of Health, and the percolation rates are adequate for the septic design to serve the proposed project as discussed in the Geotechnical Investigation Report (Appendix 7-1). A map of the testing locations and test pit logs are also contained in the Geotechnical Investigation Report In consideration of the "mottling" that was observed, curtain drains are proposed to lower the groundwater and 12" of run of bank fill would be placed over the entire septic area to further separate the proposed absorption systems from any seasonally high groundwater.

No mounding analysis is required for the septic areas because they have been redesigned to accommodate less than 5,000 gpd, and as such are not subject to a mounding analysis requirement.

Comment No. 7-8

DEP witnessed soils testing at the project site and extremely shallow seasonal groundwater was observed throughout the project site. The proposed method to treat stormwater runoff from the approximately 60-acres of new impervious surface is infiltration. The on-site soil conditions do not support this treatment practice. As such, the project sponsor has failed to demonstrate that the proposed method of treatment is feasible and can support this level of development.
(B-137, NYCDEP)

Response No. 7-8

Additional soil testing has been performed, as discussed in the SWPPP (FEIS Volume 5). Infiltration basins are proposed in locations where there is adequate separation from seasonal high groundwater and adequate infiltration rates. Soil testing results and locations are provided in Appendix D of the SWPPP. In the locations where infiltration is not feasible due to the presence of high groundwater, rainwater harvesting and standard stormwater management practices in series (where the outflow from one practice leads to another practice) have been proposed to meet stormwater management requirements as described in the SWPPP and described in Response No. 8-2 and Section 6 Surface Water and Wetlands of the FEIS.

Mounding analyses have been conducted on all the stormwater infiltration basins, and the results are in conformance with NYCDEP requirements.

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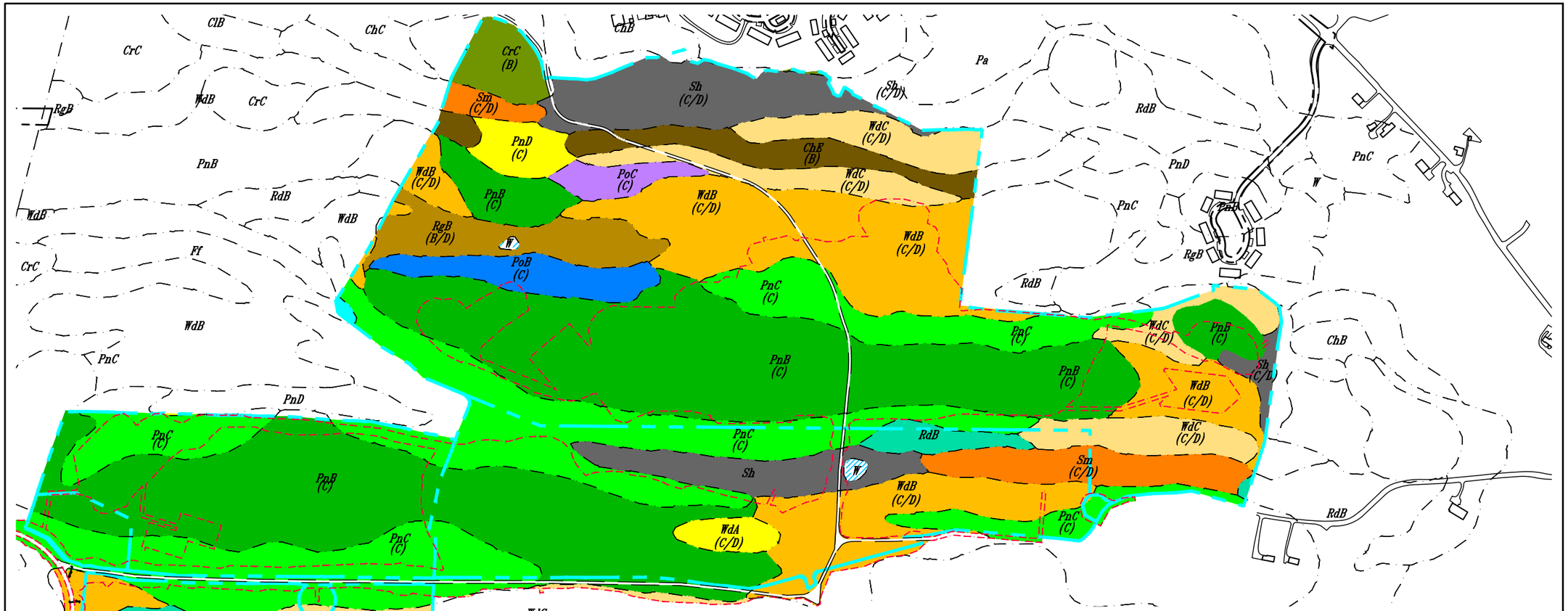

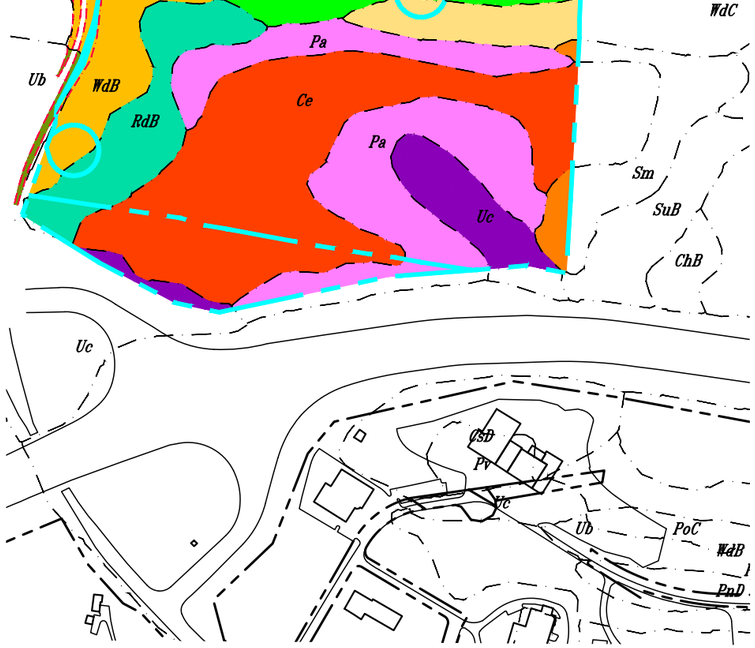

SOIL TYPE TABLE

DESIGNATION	HYDROLOGIC GROUP	DESCRIPTION	TOTAL AREA (ACRES)	LOD AREA (ACRES)	DESIGNATION	HYDROLOGIC GROUP	DESCRIPTION	TOTAL AREA (ACRES)	LOD AREA (ACRES)
PnB	C	PAXTON FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES	94.1	58.1	WdC	C/D	WOODBRIDGE LOAM, 8 TO 15 PERCENT SLOPES	22.3	1.33
PnC	C	PAXTON FINE SANDY LOAM, 8 TO 15 PERCENT SLOPES	63.9	31.5	Sm	C/D	SUN LOAM, EXTREMELY STONY	9.6	0.0
PoB	C	PAXTON FINE SANDY LOAM, 0 TO 8 PERCENT SLOPES, VERY STONY	5.6	.10	Sh	C/D	SUN LOAM	19.7	0.8
PoC	C	PAXTON FINE SANDY LOAM, 8 TO 15 PERCENT SLOPES, VERY STONY	2.5	0.0	RdB	B/D	RIDGEBURY LOAM, 3 TO 8 PERCENT SLOPES	8.6	0.0
PnD	C	PAXTON FINE SANDY LOAM, 15 TO 25 PERCENT SLOPES	3.2	0.0	RgB	B/D	RIDGEBURY LOAM, 2 TO 8 PERCENT SLOPES, VERY STONY	7.9	0.0
CrC	B	CHARLTON – CHATFIELD COMPLEX, ROLLING, VERY ROCKY	3.8	0.0	Pa	B/D	PALMS MUCK	13.5	0.0
ChE	B	CHARLTON LOAM, 25 TO 35 PERCENT SLOPES	6.91	0.0	Ce	B/D	CATDEN MUCK, 0 TO 2 PERCENT SLOPES	19.8	0.0
WdA	C/D	WOODBRIDGE LOAM, 0 TO 3 PERCENT SLOPES	2.0	2.0	Ff	A/D	FLUVAQUENTS – UDIFLUVENTS COMPLEX, FREQUENTLY FLOODED	0.2	0.0
WdB	C/D	WOODBRIDGE LOAM, 3 TO 8 PERCENT SLOPES	48.4	17.8	Uc	A/D	UDORTHENTS, WET SUBSTRATUM	4.0	0.0
W	–	WATER	0.4	0.0	Ub	B	UDORTHENTS, SMOOTHED	0.4	0.4

LIMIT OF DISTURBANCE
PROPERTY LINE

NOTE: EXCLUDES SOIL TYPES WITHIN ROADWAY. AND EXCLUDES SITE AREA WITHIN PRIVATE BARRETT ROAD.

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SOILS IMPACTS MAP

JMC PROJECT: 14012

SCALE: 1" = 600'

REVISED: 03/2019
DATE: 06/2018

FIGURE: III. 7-1

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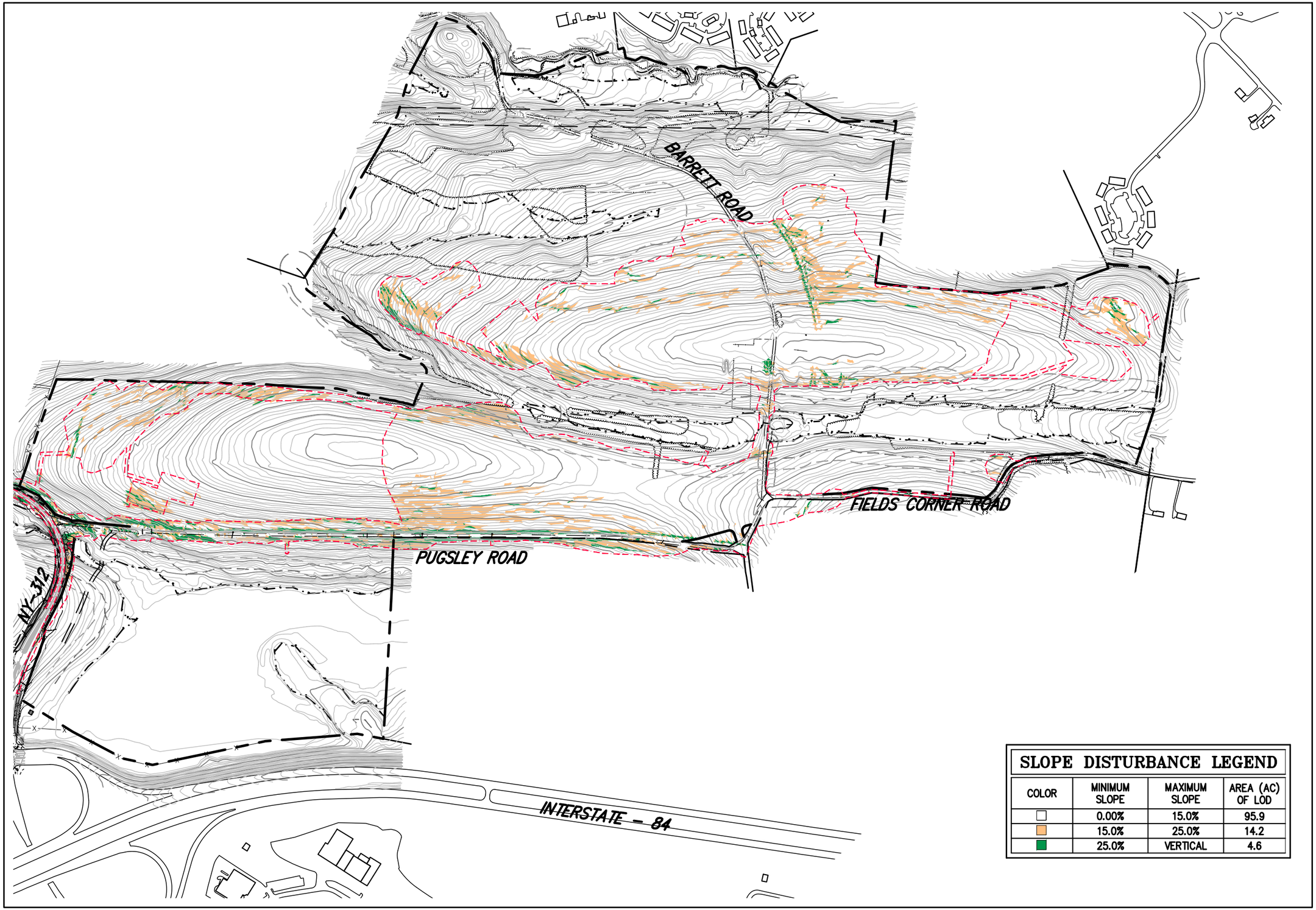
14012–SOILS–MAP.dwg; SOILS IMPACT.tab



SLOPE DISTURBANCE LEGEND			
COLOR	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (AC) OF LOD
	0.00%	15.0%	95.9
	15.0%	25.0%	14.2
	25.0%	VERTICAL	4.6

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SLOPE IMPACTS MAP

JMC PROJECT: 14012

DATE: 03/2019

SCALE: 1" = 550'

FIGURE: III. 7-2

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14012-SLOPES.dwg; SLOPE-IMPACTS.tab, SLOPES-TOWN-DIST.scr

III.8 Groundwater

Comment No. 8-1

Due to the fact that pumping-related water level drawdown effects were observed in one off-site well (Ginsberg Development Corporation Well 3 - 29.5 feet of drawdown) during the 1992 pumping test, and the well was not monitored during the 2004 pumping test, mitigation measures should include steps (i.e., hydrofracking, extending well depth) to mitigate any potential long term, site-related cumulative effects to Ginsberg Development Corporation Well 3, or any other well for that matter.
(B-1, AKRF)

They have their own wells. What type of impact - - you're talking about the type of place that you have. This will probably need a lot of water. What is this going to have in the overall water table that we all have to draw from?

What type of impact is going to have on everybody else, the enormity of your project on the use of water, on the water table for everybody else?
(B-2, PH #1, Mr. Wasserman)

Studies on the impacts to these homeowners' wells. Will - - will this project impact the well water?
(B-3, PH #2, Mr. Kenny)

And the groundwater supply and the wells of Hunters Glen, which are immediately adjacent to this project's boundary.
(B-3, PH #2, Mr. Catalino)

What is this going to do to our wells which are already a problem (at Twin Brook there is sodium in the water which cannot be removed by a filter)? If you have to watch your sodium intake, you cannot drink it. This is going to add more stress to the wells.
(B-8, Amanda Dettaan)

I am particularly opposed to this project because of its proximity and impact to our water supply here in Hunter's Glen.
(B-27, Linda Cuzzi)

Will it affect my well water?
(B-84, Rita LaBella)

Impact on the water table.
(B-101, Jack Pizzicara)

The potential harm to wetlands & the groundwater supply/wells of Hunters Glen, which are immediately adjacent to this projects boundary.
(B-138, Michael Catalano)

It [Tilly Foster Farm] will likely receive the most impact from the constant groundwater harm the project will generate.
(B-142, Steve & Susan Elias)

[Minimal] water usage [not credible].
(B-172, David Buckner)

Water drinking, toilet flushing, washing, [seemed disingenuous].
(B-172, David Buckner)

<u>Response No. 8-1</u>

No significant effect on offsite wells or the regional water table is likely to result from water usage for the Commercial Campus at Fields Corner.

Water usage for the project is projected to be substantially less (less than a tenth) than water that would be used for the Campus residential project, which was previously shown to be sustainable. The 1992 pumping test was conducted on wells OW-1, OW-3 and NW-4 pumping at 140 gallons per minute (gpm), 58 gpm, and 90 gpm, respectively, for a combined 288 gpm or 414,720 gallons per day (gpd). The current project water demand has been conservatively calculated at 15,600 gpd or about 10.9 gpm. This water demand is less than 4% of what was pumped during the 1992 well tests.

The water demand for the current project is calculated based on the March 2014 New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, issued by the New York State Department of Environmental Conservation (NYSDEC), Division of Water. The water usage multiplier for a Distribution Warehouse in Section B.6.b, Table B-3 is 15 gallons per day (gpd) per employee per shift. The water usage multiplier does not differentiate between day or night shift employees, and the resulting water demand associated with the total number of 1,040 employees on the three shifts is 15,600 gpd. This water demand is considered conservative because it does not incorporate the 20% reduction in water usage for use of water-saving plumbing fixtures allowed by the NYSDEC Design Standards. If the 20% reduction is applied to the 15,600 gpd, this would decrease the projected total water withdrawal to 12,480 gpd or 8.7 gpm. However, the credit was not incorporated in the analysis of the potential effects of the groundwater withdrawals to provide a more conservative assessment.

Additional water usage of 12,000 gpd for onsite irrigation would be supplied from cisterns capturing runoff from the roofs of the proposed buildings.

Testing in connection with the Campus residential project indicated that there is no direct hydraulic interconnection between the Commercial Campus at Fields Corner wells and the Hunters Glen, Twin Brooks and Tilly Foster Farm wells. During the 1992 pumping test program, water levels were measured in eight offsite wells and five onsite monitoring wells to assess the potential for water-level drawdown in other wells near the project site. Included in the offsite wells that were measured were wells at Hunters

Glen, Twin Brooks, and Tilly Foster Farm (called Benedict Farm in the 1992 report). During the 1992 pumping test with the onsite wells pumping at a combined 288 gpm, no drawdown was measured in these three offsite well locations, which indicates there is no direct hydraulic interconnection between the Commercial Campus at Fields Corner and the Hunters Glen, Twin Brooks and Tilly Foster Farm wells measured. Even beyond the lack of hydraulic connection to wells for Hunters Glen, Twin Brooks, and Tilly Foster Farm, the substantially reduced daily water usage of the project indicates that no drawdown effects or changes in water quality in these wells are anticipated from pumping onsite wells OW-3 and NW-4 at 10.9 gpm or less to meet the current project's water requirements.

Similarly, the water-level drawdown that may occur in the limited area to the north/northeast of the project site in the vicinity of the Ginsberg well would be significantly lower than what was observed during either of the previous pumping tests. As such, no mitigation measures are required in connection with off-site well impacts.

During the 1992 pumping test, the water-level drawdown was measured in the offsite Ginsberg Development Corporation Well 3 at 29.5 feet and in the nearby onsite monitoring well NW-3 at 9.6 feet to the north/northeast of the project site. Smaller amounts of drawdown were measured in three other onsite wells ranging from 3.3 feet to 7.3 feet. No drawdown was measured in the seven other offsite wells measured that were located to the north, west and south of the property.

During the 2004 pumping test conducted, wells OW-1, OW-3 and NW-4 were pumped at 56 gallons per minute (gpm), 30 gpm, and 60 gpm, respectively, for a combined 146 gpm or 210,240 gallons per day (gpd). Although the Ginsberg well was not measured during this pumping test, the nearby onsite monitoring well NW-3 was measured. The drawdown observed in well NW-3 during the 2004 pumping test was 1.8 feet, which was 81% less than the drawdown observed in NW-3 in 1992. It is reasonable to assume that a similar decrease in drawdown effects in the bedrock aquifer in that general area to the northeast of the pumping wells occurred based on the data from NW-3. Using

that assumption, the drawdown in the Ginsberg well was likely in the range of 5-6 feet with the onsite wells pumping at 146 gpm, and no water-level drawdown occurred in the other offsite wells where no drawdown occurred in 1992. The table below is a summary of the drawdown observed in Ginsberg Well 3 and NW-3 during the 1992 and 2004 pumping tests.

Well ID	**1992**	**2004**
Ginsberg Development Corp. Well 3	29.5 feet	5-6 feet[1/]
NW-3	9.6 feet	1.8 feet

[1/] Estimated based on the drawdown observed in the nearby monitoring wells NW-3.

The present conservative water demand for the Commercial Campus at Fields Corner is 15,600 gpd or about 10.9 gpm, which is significantly less than the pumping rates from either of the pumping tests conducted on the project site. The drawdown that may occur in the limited area to the north/northeast of the project site in the vicinity of the Ginsberg well would be significantly lower than what was observed during either of the previous pumping tests, and no significant effect on offsite wells or the regional water table is likely from the use of wells OW-3 and NW-4 to supply water for the project. Therefore, the implementation of a mitigation plan is not warranted.

Wetland water-level monitoring was also conducted as part of the 2004 pumping test. Piezometers were installed at three locations in the onsite wetland to assess the potential for a hydraulic interconnection between the deep bedrock groundwater withdrawal and the wetlands. Water-level measurements were collected for the surface-water in the wetlands and the shallow, overburden groundwater below the wetland to determine if pumping the onsite bedrock wells caused a drawdown in the water level. No drawdown was observed at any of the piezometers in either the shallow groundwater or surface water that was caused by pumping the on-site bedrock wells. This data indicates that the use of the onsite bedrock wells to supply water to the project would not affect wetlands in the area.

Comment No. 8-2

Secondly, what assurances do I have when you pollute our well and Twin Brook's well that you're going to get us water from somewhere else so I don't lose value of my home and I don't poison my child?
(B-2, PH #1, Ms. Fay)

What guarantees do you give us to not pollute our well or Twin Brooks' well in writing? And if you do, do you pay to fix it without litigation or questioning the findings of an independent water assessment?
(B-2, PH #1, Ms. Fay)

I am a resident of Hunters Glen adjoining this proposed development and I am concerned how this will affect our well water supply, whether by diminishment or contamination.
(B-88, Eugene J. Duffy, Jr.)

The possibility of water contamination.
(B-103, Donna Shenkman)

Ensure water usage and any run off will not impact the drinking wells of those in Twin Brook or Hunter's Glen.
(B-107, Twin Brooks Homeowners Association, Inc.)

Pollution of local well water.
(B-112, MaryAnn Bartolini)

The impact to our standard of living – to potential harm to our well water.
(B-135, Alison Yara)

I can attest that the current Logistics Center's proposal is woefully inadequate to protect both the Reservoir system and our own watershed, thus impacting homeowners with wells.
(B-151, Miriam Yekutiel)

Response No. 8-2

In the first instance, as explained in the immediately preceding response, a 1992 pumping test with the onsite wells pumping indicated that there is no direct hydraulic interconnection between the Commercial Campus at Fields Corner wells and the tested wells at Hunters Glen, Twin Brooks, and Tilly Foster Farm.

Moreover, the project has developed a Stormwater Pollution Prevention Plan in accordance with the requirements of the NYSDEC SPDES General Permit No. GP-0-15-002, effective January 2015, last modified November 2016; NYS Stormwater Management Design Manual last revised January 2015; NYSEP Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources, amended April 2010; and Chapter 119 "Stormwater Management and Erosion and Sediment Control" of the Town of Southeast Zoning Code. The goal of the plan is to capture and retain stormwater runoff from the developed areas on the project site to prevent flooding and erosion and to provide treatment prior to runoff infiltration into groundwater to manage potential groundwater impacts.

The stormwater practices being implemented include the use of erosion and sediment controls during construction; stormwater management practices, including infiltration basins in series with either wet extended detention basins, pocket ponds, or subsurface detention system, wet pond extended detention in series with extended detention shallow wetland, stormwater planters, cisterns, and hydrodynamic separators; and the use of landscaping and vegetation to enhance potential pollutant removal and contribute to erosion prevention

The development and implementation of the Stormwater Pollution Prevention Plan in accordance with the State, NYCDEP, and Town requirements is intended to prevent impacts to groundwater quality. The water-quality practices would meet total suspended solids (TSS), phosphorus and nitrogen removal threshold requirements.

NYCDEP regulations are crafted to protect the watershed including reservoirs and aquifers to the maximum extent possible with both design and operating practices. The proposed project complies fully with these regulations and, in turn, assures the community that it would protect the abutting water resources for all residents and businesses.

No road salt would be stored on-site. An outside contractor would clear snow after a storm and would comply with all pertinent NYCDEP regulations regarding any materials used for snowmelt, and use the minimum amount necessary. The Town intends to require as conditions of Special Permit and Site Plan Approval that no road salt be stored on site.

Hydrodynamic water quality separators would be used to separate any oil accumulated from the parking lots and driveways that may source from small leaks in engines and potential larger spills, prior to flowing to any other stormwater management practice. The separators can store various volumes of oil depending upon the amount of runoff they are designed to treat, and the separators used on the project site would be appropriately sized for the areas that they would be associated with. For example, the hydrodynamic separators in the project's stormwater design range from an oil storage capacity of 210 gallons (which would only be proposed in landbanked parking lot areas where the large trucks would never travel). The next largest sizes used would store 263, 520, 568, 965, 1,172 and 1,309 gallons of oil. The separators would be regularly maintained, and the accumulated oil would be disposed of at a licensed processing facility.

For the foregoing reasons, the project would not adversely impact offsite wells or the watershed.

Comment No. 8-3

The [previously approved project with 143 homes and 237,000 s.f. of office/commercial space], they're going to use more water.
(B-3, PH #2, Ms. Miller)

With construction and a 24/7 operation you can also add … water usage.
(B-66, Lori Pesick-Pierro)

Response No. 8-3

The Commercial Campus at Fields Corner would use significantly less (less than a tenth) of the water that the Campus residential project would use. The water demand for the project is calculated based on the March 2014 New York State Design Standards for Intermediate Sized Wastewater Treatment Systems prepared by the NYSDEC Division of Water. The water usage multiplier for a Distribution Warehouse in Section B.6.b, Table B-3 is 15 gallons per day (gpd) per employee per shift. The water usage multiplier does not differentiate between day or night shift employees, and the resulting water demand associated with the total number of 1,040 employees on the three shifts is 15,600 gpd. This water usage calculation is also conservative because it does not incorporate the 20% reduction for use of water-saving plumbing fixtures allowed by the NYSDEC Design Standards.

Water use during construction is projected to be even less than the water demand of the completed facility. Water usage during construction is typically associated with construction activities; dust control if needed, and landscape irrigation.

Comment No. 8-4

The disruption of the ridge-line will affect local water quality. I also have concern about inevitable oil and diesel gas leaks from >250 trucks and other vehicles leaking into the water supply. (B-176, Dr. Bernadette Brandon)

Response No. 8-4

As discussed in Response 8-2 above, hydrodynamic water quality separators would be used to separate any oil accumulated from the parking lots and driveways that may source from small leaks in engines and potential larger spills, prior to flowing to any other stormwater management practice. The separators would be regularly maintained, and the accumulated oil would be disposed of at a licensed processing facility. These measures are designed to prevent oil and diesel gas from leaking into the water supply.

Comment No. 8-5

WELL TESTING:
GROUNDWATER III.F:
Well tests haven't been done since 1992 and 2004.
Unless there has been water quality testing more recently testing should be done again.
(B-147, Lynne Eckardt)

And, of course, [I am concerned about] the water quality for the drinking water and testing. (B-145, Mr. Gress)

Response No. 8-5

Water-quality testing was conducted on proposed supply wells OW-3 and NW-4 in May/June 2018. Water samples from the wells were analyzed for all parameters required by the New York State Department of Health (NYSDOH) Sanitary Code Part

5, subpart 5-1 for non-community, public water-supply wells. The proposed sampling parameter list was submitted to the Putnam County Department of Health (PCDH) prior to the sample collection in 2018 and the PCDH concurred with the list. The water-quality results for wells OW-3 and NW-4 from the 2018 sampling event met all NYSDOH drinking water which is contained in Appendix 8-1.

Comment No. 8-6

Our natural resources, particularly water [is being threatened].
(B-83, Carol Yannarell-Duffy)

Response No. 8-6

It is anticipated that groundwater at the site would recharge naturally at a higher rate than it would be consumed by the proposed Commercial Campus at Fields Corner. Precipitation recharges groundwater. Recent bedrock groundwater recharge evaluations that have been conducted in the area include the Wolcott and Snow 1995 USGS Water Resources Investigations Report 92-4157 which provides an average recharge value for till-covered bedrock in Northern Westchester County at 8.45 inches annually and the John Mullaney 2004 Water-Resources Investigations Report 03-4300 which provides recharge values ranging from 6.8-7.9 inches annually for till-covered metamorphic bedrock in similar geologic conditions in the Greenwich area of Fairfield County, Connecticut and Westchester County, New York. However, the recharge value for till-covered metasedimentary bedrock of 400,000 gpd/square mile or about 8 inches annually reported in the U.S. Geological Survey open file report 80-437 for the Fishkill-Beacon area remains the most relevant for the geologic conditions of the project site area. This recharge rate is equal to 625 gpd per acre. For the 328-acre project site, this equates to a recharge rate of 205,000 gpd or 142.4 gpm. In comparison, the project's water demand is conservatively projected to be 15,600 gpd or about 10.9 gpm. In addition, the groundwater would be recharged by the proposed subsurface septic

disposal fields, which reconditions the sanitary sewage water to augment aquifer recharge.

It is anticipated that water would continue to naturally recharge at a greater rate than anticipated site usage during drought conditions, where precipitation would drop. The regional one-year-in-30 low precipitation (3.33% chance of recurrence) typically experiences a 30-35% reduction in annual precipitation. A 35% reduction in the average annual precipitation would reduce groundwater recharge to bedrock to 133,250 gpd or 92.5 gpm, compared with the project demand of 10.9 gpm (see Response 8-1). Under both normal and drought precipitation conditions, groundwater is expected to recharge at a rate greater than the project's water demand. Therefore, the project is not anticipated to place any demands on adjacent or nearly groundwater resources.

Comment No. 8-7

Water Supply: First and foremost, Hunters Glen is concerned that its water supply not be impacted any way whatsoever. We urge the Town and its consultants to carefully review and study the issue of water usage and potential impact on Hunters Glen's wells. Hunters Glen intends to retain its own engineer to review this issue and reserves its right to comment further. (B-98, Snyder & Snyder)

Response No. 8-7

During the 1992 pumping test, the onsite wells OW-1, OW-3, and NW-4 were pumped at 140 gpm, 58 gpm, and 90 gpm, respectively, for a combined 288 gpm or 414,720 gpd. During that test, water-level measurements were collected from wells on the Hunter Glen property, the Twin Brooks property, and the Gottwald property to the west of the project site. The continuous pumping of the three onsite wells for 72 hours at a rate of 288 gpm caused no discernible water-level drawdown in any of the offsite wells to the west of the project site. The currently proposed groundwater withdrawal of 15,600 gpd is less than 4% of the rate that was previously tested. Since no water-level

drawdown was observed at the combined rate of 288 gpm, no water-level drawdown in the wells to the west of the project site is anticipated at the much-reduced rate of 10.9 gpm.

The development and implementation of the Stormwater Pollution Prevention Plan for the project in accordance with the State, NYCDEP, and Town requirements is intended to prevent impacts to groundwater quality underlying the project site and surrounding areas. NYCDEP regulations are crafted to protect the watershed including reservoirs and aquifers to the maximum extent possible with both design and operating practices. The proposed project complies fully with these regulations and in turn assures the community that it would protect the abutting water resources for all residents and businesses.

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III.9 Vegetation and Wildlife

Comment No. 9-1

This chapter and accompanying Biological Assessment Report (Appendix G-1, March/2018), present a good "big picture" of the current ecological conditions of the project site. However, considering the size of the project site and magnitude of proposed project, more effort should be expended to document specific species of animals/plants that occupy the project site, including State/Federally listed species. The DEIS indicates that "no species-specific mammal surveys or trapping were conducted" and "amphibian and reptile surveys were not conducted". Instead, animal use of the site is based on available habitat and opportunistic animal observations. The DEIS says "portions of these wetlands ... provide ideal habitat for wetland-dependent amphibians such as frogs and salamanders." However, few amphibian species identified onsite are listed in report tables. The DEIS makes reference to "Carex sp." or "Quercus sp" but the overall list of plant species identified onsite is comparatively short. Additional effort is warranted so that potentially-present NYS-listed plants known for Putnam County, e.g. featherfoil, lyre-leaf sage, rough avens, shining bedstraw, woodland agrimony and others, can be identified if present and protection measures (conservation or relocation) can be undertaken. Resource-specialist consultants (herpetologist, ornithologist, etc.) may be retained to conduct additional plant/animal surveys for the benefit site documentation and determination of potential ecological impacts.
(B-1, AKRF)

Shrubland (upland or wetland) east of the Hudson River is potential habitat for the New England cottontail, a New York State Special Concern species and SGCN which is the target of substantial conservation action (USFWS 2015).

The onsite shrub land is potential New England cottontail habitat and should be surveyed for this species by collection and genetic analysis of scats during the winter.

Prior to any further disturbance of the shrub vegetation, surveys should be conducted by independent experts for New England cottontail, breeding birds, and rare plants.

Given the size of the site, the habitats present (large wetlands and extensive shrublands, in particular), and the extensive greenspace surrounding the site, I recommend that, at a minimum, a comprehensive flora (botanical) survey, a breeding bird survey, and a herpetological (reptile and amphibian) survey be conducted at the appropriate seasons by independent, experienced biologists, to determine if there are species of conservation concern at the site (especially state-designated animal Species of Greatest Conservation Need and plants ranked as SI, S2, and S3 by the New York Natural Heritage Program).
(B-115, Erik Kiviat PhD)

Apart from the bog turtle, certain of the wildlife species mentioned in the DEIS as possibly occurring on the site (JMC 2018:111.G) may be significant. For example, Louisiana waterthrush (SGCN) breeds along streams and in swamps, and could occur in LC-28. Brown thrasher (SGCN) is a shrubland and woods edge bird that could breed in the upland thickets. Cooper's hawk (Special Concern) nests in woodland with sapling or pole-size trees and could breed on the site. The site should be surveyed for species such as these.
(B-115, Erik Kiviat PhD)

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.
(B-144, NYSDEC)

Response No. 9-1

Several steps have been taken to ensure a comprehensive review of potential wildlife species and habitat on the site. First, to better define and describe the on-site habitats for amphibians and reptiles, the Mid-Atlantic Center for Herpetology and Conservation (MACHAC) was retained in late 2018 to provide an opinion regarding the suitability of the proposed site for rare amphibian and reptile inhabitance (i.e., a habitat assessment) (Appendix 9-2). To be conservative, the habitat assessment evaluated the entirety of the approximately 328 acre property owned by the Applicant, even though the project only involves erecting buildings on the 229 acres that the Applicant owns in the OP-3 District, with some accessory utility work on the proposed Lot 1 in the RC District.

Topographic maps and aerial photographs of the site were evaluated prior to the onsite habitat assessment. The on-site habitat assessment was conducted on December 18, 2018 by Brandon M. Ruhe of MACHAC and an assistant. MACHAC is a non-profit organization that conducts amphibian and reptile research and conservation planning, including services for landowners and stakeholders regarding amphibian and reptile conservation and habitat restoration. Thirty-seven species of amphibians and reptiles were identified as having habitat present on site that could support the species. The habitat assessment did not conclude that any of these species are actually on the site. Of these 37 species, the Bog Turtle is protected (NYSDEC Endangered and USF&WS Threatened). An additional 7 species are listed as "Species of Special Concern" by the NYSDEC: Jefferson Salamander, Blue-spotted Salamander, Marbled Salamander, Spotted Turtle, Wood Turtle, Eastern Box Turtle, and Eastern Hog-nosed Snake. Three species, the Four-toed Salamander, Atlantic Coast Leopard Frog and, Eastern Musk Turtle, are considered "Species of Greatest Conservation Need" which is a conservation status rather than a regulatory status. The entire report, Herpetofaunal Habitat Assessment of the Proposed Northeast Interstate Logistics Center, is included in Appendix 9-2. It is important to note that habitat assessment determines the *potential* suitability of

habitats within a study area, *not the actual presence or inferred absence* of species within those potential habitats.

A follow-up herpetofauna survey was undertaken by MACHAC personnel during the spring and summer of 2019 (Appendix 9-4). The purpose of this survey was to determine the actual presence or inferred absence of species within the potential habitats identified on the site in the habitat assessment. Beginning in early May and continuing through July, a team of trained surveyors investigated the central wetland corridor (Wetlands 4 and 5) and the adjacent upland meadows and woodlands. The survey covered approximately 85 acres of the site and included investigation of the potential Bog Turtle habitat in the central corridor (Wetland 4) following the USF&WS recommended Phase 2 Bog Turtle Presence/Absence Survey Methodology. No Bog Turtles were found in the central wetland corridor during the 2019 survey.

Other species identified in the earlier MACHAC habitat assessment as potentially present on the site were surveyed as well. Seasonal pool-breeding salamanders such as the Jefferson Salamander Complex (*Ambystoma jeffersonianum*), Blue-spotted Salamander (*A. laterale*), Marbled Salamander (*A. opacum*) and Four-toed Salamander (*Hemidactylium scutatum*) were surveyed using minnow traps and dip nets, as well as egg mass surveys and cover object surveys. Calling surveys, egg mass surveys, and dip net surveys were conducted for the Atlantic Coast Leopard Frog (*Lithobates kauffeldi*). Aquatic turtle trapping and visual surveys were conducted throughout the central wetland corridor for Spotted Turtle (*Clemmys guttata*) and Eastern Musk Turtle (*Sternotherus odoratus*)and Wood Turtle (*Glyptemys insculpta*). Upland species such as Eastern Box Turtle (*Terrapene Carolina*) and Eastern Hog-nosed Snake (*Heterodon platirhinos*) were evaluated using visual encounter surveys and nesting surveys. The full report, titled "Herpetofaunal Presence / Probable Absence Surveys of the Proposed Commercial Campus at Fields Corner" and dated August 2019, is included in Appendix 9-4.

The following species were found during the 2019 herpetofauna survey:
Spotted Salamander (*Ambystoma maculatum*)

Four-toed Salamander (*Hemidactylium scutatum*)
Northern Dusky Salamander (*Desmognathus fuscus*)
Northern Red-backed Salamander (*Plethodon cinereus*)
Northern Two-lined Salamander (*Eurycea bisineata*)
Green Frog (*Lithobates clamitans*)
Wood Frog (*Lithobates sylvaticus*)
Pickerel Frog (*Lithobates palustris*)
Bullfrog (*Lithobates catesbeianus*)
Spring Peeper (*Pseudacris crucifer*)
Gray Treefrog (*Hyla versicolor*)
American Toad (*Anaxyrus americanus*)
Common Garter Snake (*Thamnophis sirtalis*)
Common Watersnake (*Nerodia sipedon*)
Ring-necked Snake (*Diadophis punctatus*)
Painted Turtle (*Chrysemys picta)*
Spotted Turtle (*Clemmys guttata*)
Wood Turtle (*Glyptemys insculpta*)
Eastern Box Turtle (*Terrapene carolina*)

In addition to the work done by the MACHAC biologists, a total of twenty-five field days have been spent on the site over the last two years (June 2017 through July 2019) by Evans Associates staff, including time spent with biologists from NYSDEC and representatives from NYCDEP. Areas where the development is proposed, as well as nearby meadow areas, forested areas, and wetland corridors, were evaluated for resident, breeding and migratory birds during the winter, spring and early summer of 2018 -2019. During all field visits by Evans Associates notes were made on mammals (including tracks, scat and other signs) and vegetation cover, although no attempt was made to conduct full inventories due to the size and general inaccessibility of the densely vegetated portions of the property. Rabbit scat was collected by NYSDEC during the winter of 2018 and sent for analysis, which indicated that it was not from the New England Cottontail.

The updated list of animals potentially inhabiting, or documented on the property, is below. Species followed by an asterisk under the Notes column were documented on site.

MAMMALS (alphabetically by scientific name)		
Common Name	**Scientific Name**	**Notes**
Short-tailed shrew	*Blarina brevicauda*	
Eastern coyote	*Canis latrans*	*
Star-nosed mole	*Condylura cristata*	*
Virginia opossum	*Didelphis virginiana*	*
Big brown bat	*Eptesicus fuscus*	
Southern flying squirrel	*Glaucomys volans*	
Bobcat	*Lynx rufus*	*
Woodchuck	*Marmota monax*	*
Fisher	*Martes pennanti*	
Striped skunk	*Mephitis mephitis*	*
Meadow vole	*Microtus pennsylvanicus*	
House mouse	*Mus musculus*	
Ermine	*Mustela erminea*	
Long tailed weasel	*Mustela frenata*	
Mink	*Mustela vison*	
Little brown myotis	*Myotis lucifugus*	
Northern myotis	*Myotis septentrionalis*	
White-tailed deer	*Odocoileus virginianus*	*
Muskrat	*Ondatra zibethicus*	
White-footed mouse	*Peromyscus leucopus*	
Raccoon	*Procyon lotor*	*
Norway rat	*Rattus norvegicus*	
Eastern mole	*Scalopus aquaticus*	*
Gray squirrel	*Sciurus carolinensis*	*
Masked shrew	*Sorex cinereus*	
Water shrew	*Sorex palustris*	
Eastern cottontail	*Sylvilagus floridanus*	*
New England Cottontail	*Sylvilagus transitionalis*	
Eastern chipmunk	*Tamias striatus*	*
Black bear	*Ursus americanus*	
Gray fox	*Vrocyon cinereoargenteus*	
Red fox	*Vulpes vulpes*	*

REPTILES AND AMPHIBIANS		
Common Name	**Scientific Name**	**Notes**
Spotted salamander	*Ambystoma maculatum*	*
Northern two-lined salamander	*Eurycea bislineata*	
Eastern red-backed salamander	*Plethodon cinereus*	*
Red-spotted newt	*Notophthalmus v. viridescens*	
Four-toed salamander	*Hemidactylium scutatum*	*

REPTILES AND AMPHIBIANS		
Common Name	**Scientific Name**	**Notes**
Northern dusky salamander	*Desmognathus fuscus*	*
Eastern American toad	*Anaxyrus americanus*	*
Gray treefrog	*Hyla versicolor*	*
Northern spring peeper	*Pseudacris c. crucifer*	*
Bullfrog	*Rana catesbeiana*	*
Green frog	*Rana clamitans melonota*	*
Pickerel frog	*Rana palustris*	
Northern leopard frog	*Rana pipiens*	
Atlantic coast leopard frog	*Lithobates kauffeldi*	
Wood frog	*Rana sylvatica*	*
Common snapping turtle	*Chelydra s. serpentina*	*
Painted turtle	*Chrysemys picta*	*
Spotted turtle	*Clemmys guttata*	*
Bog turtle	*Glyptemys muhlenbergii*	
Wood turtle	*Glyptemys insculpta*	*
Eastern box turtle	*Terrapene c. carolina*	*
Northern black racer	*Coluber c. constrictor*	
Black rat snake	*Elaphe o. obsoleta*	
Northern water snake	*Nerodia s. sipedon*	
Northern brown snake	*Storeria d. dekayi*	
Northern redbelly snake	*Storeria o. occipito-maculata*	
Eastern garter snake	*Thamnophis s. sirtalis*	*

BIRDS		
Common Name	**Scientific Name**	**Notes**
Mute Swan	*Cygnus olor*	
Canada Goose	*Branta canadensis*	*
Wood Duck	*Aix sponsa*	*
Mallard	*Anas platyrhynchos*	*
Great Blue Heron	*Ardea Herodias*	
Green Heron	*Butorides virescens*	*
Turkey Vulture	*Cathartes aura*	*
Black Vulture	*Coragyps atratus*	*
Cooper's Hawk	*Accipiter cooperii*	*
Red-tailed Hawk	*Buteo jamaicensis*	*
American Kestrel	*Falco sparverius*	
Great Horned Owl	*Bubo virginianus*	*
Eastern Screech-Owl	*Megascops asio*	*
Barred Owl	*Strix varia*	*
Killdeer	*Charadrius vociferus*	
Rock Pigeon	*Columba livia*	
Mourning Dove	*Zenaida macroura*	*
Ruby-throated Hummingbird	*Archilochus colubris*	*
Ruffed Grouse	*Bonasa umbellus*	*
Wild Turkey	*Meleagris gallopavo*	*

BIRDS		
Common Name	**Scientific Name**	**Notes**
Red-bellied Woodpecker	*Melanerpes carolinus*	*
Yellow-bellied Sapsucker	*Sphyrapicus varius*	*
Pileated Woodpecker	*Dryocopus pileatus*	*
Downy Woodpecker	*Picoides pubescens*	*
Hairy Woodpecker	*Picoides villosus*	*
Northern Flicker	*Colaptes auratus*	*
Pileated Woodpecker	*Dryocopus pileatus*	*
Eastern Wood-Pewee	*Contopus virens*	*
Willow Flycatcher	*Empidonax traillii*	
Eastern Phoebe	*Sayornis phoebe*	*
Great Crested Flycatcher	*Myiarchus crinitus*	
Eastern Kingbird	*Tyrannus tyrannus*	
Blue-gray Gnatcatcher	*Polioptila caerulea*	
Ruby-crowned Kinglet	*Regulus calendula*	
Golden-crowned Kinglet	*Regulus satrapa*	
White-eyed Vireo	*Vireo griscus*	*
Warbling Vireo	*Vireo gilvus*	
Red-eyed Vireo	*Vireo olivaceus*	*
Blue Jay	*Cyanocitta cristata*	*
American Crow	*Corvus brachyrhynchos*	*
Yellow-billed Cuckoo	*Coccyzus americanus*	
Northern Rough-winged Swallow	*Stelgidopteryx serripennis*	
Barn Swallow	*Hirundo rustica*	*
Tree Swallow	*Tachycineta bicolor*	*
Black-capped Chickadee	*Poecile atricapillus*	*
Tufted Titmouse	*Baeolophus bicolor*	*
White-breasted Nuthatch	*Sitta carolinensis*	*
Dark-eyed Junco	*Junco hyemalis*	*
Brown Creeper	*Certhia americana*	
Carolina Wren	*Thryothorus ludovicianus*	*
House Wren	*Troglodytes aedon*	*
Eastern Bluebird	*Sialia sialis*	
Veery	*Catharus fuscescens*	*
Hermit Thrush	*Catharus guttatus*	
Wood Thrush	*Hylocichla mustelina*	*
American Robin	*Turdus migratorius*	*
Gray Catbird	*Dumetella carolinensis*	*
Northern Mockingbird	*Mimus polyglottos*	*
Brown Thrasher	*Toxostoma rufum*	
European Starling	*Sturnus vulgaris*	*
Cedar Waxwing	*Bombycilla cedrorum*	*
Yellow Warbler	*Dendroica petechia*	*
Chestnut-sided Warbler	*Dendroica pensylvanica*	
Black-throated Green Warbler	*Dendroica virens*	
Worm-eating Warbler	*Helmitheros vermivorum*	
Black-and-white Warbler	*Mniotilta varia*	*

BIRDS		
Common Name	**Scientific Name**	**Notes**
Northern Parula Warbler	*Parula americana*	
Hooded Warbler	*Wilsonia citrina*	
American Redstart	*Setophaga ruticilla*	*
Ovenbird	*Seiurus aurocapilla*	*
Louisiana Waterthrush	*Seiurus motacilla*	
Northern Waterthrush	*Parkesia noveboracensis*	*
Common Yellowthroat	*Geothlypis trichas*	*
Scarlet Tanager	*Piranga olivacea*	*
Eastern Towhee	*Pipilo erythrophthalmus*	*
Chipping Sparrow	*Spizella passerina*	*
Field Sparrow	*Spizella pusilla*	*
Song Sparrow	*Melospiza melodia*	*
Northern Cardinal	*Cardinalis cardinalis*	*
Rose-breasted Grosbeak	*Pheucticus ludovicianus*	
Indigo Bunting	*Passerina cyanea*	
Red-winged Blackbird	*Agelaius phoeniceus*	*
Common Grackle	*Quiscalus quiscula*	*
Brown-headed Cowbird	*Molothrus ater*	*
Baltimore Oriole	*Icterus galbula*	*
Purple Finch	*Carpodacus purpureus*	
House Finch	*Carpodacus mexicanus*	*
American Goldfinch	*Carduelis tristis*	*
House Sparrow	*Passer domesticus*	*
American Tree Sparrow	*Spizella arborea*	

In addition, mitigation measures are proposed to compensate for portions of the site, which constitute potential habitat, that would be lost. These mitigation measures involve restoring and enhancing both wetlands and uplands on the site. As discussed in Response 6-7 in the Surface Water and Wetlands section of the FEIS, a Wetland Mitigation/Habitat Restoration Report has been prepared to detail the mitigation for the proposed project, as well as the proposed monitoring and maintenance of wetland and wetland buffer mitigation and upland habitat restoration plantings (Appendix 9-1). The associated plans are Drawings MP-1 "Overall Habitat Restoration & Wetland Mitigation Plan", MP-2 and MP-3 "Habitat Restoration Plan", MP-4 "Wetland & Wetland Buffer Restoration Plan" prepared by Evans Associates Environmental Consulting, Inc. (Evans Associates), dated August 7, 2019. These mitigation measures are in accordance with and, in fact, adopt the recommendations in the MACHAC report to the maximum extent possible.

The first recommendation in the MACHAC report is to provide suitable buffers on critical habitats, specifically including the northern meadows and central wetland corridor, for species of concern based on the life history requirements of the species. As discussed in the Wetland Mitigation/Habitat Restoration Report, life-history buffers on habitats have been provided where possible. The only critical habitat that is being impacted is the area along Barrett Road. This is an unavoidable impact. To mitigate this impact, the Applicant proposes to adopt all other recommendations set forth in the MACHAC report.

Where there is unavoidable habitat impact, the MACHAC report recommends certain minimization and mitigative actions to maintain onsite suitability for species of concern and to enhance habitats. Specifically, the report recommends: (1) improving onsite habitats for species, such as the Wood Turtle and Eastern Box Turtle, that may lose habitat as a result of development of the Project; (2) installation of permanent low barriers between the development area and any lands that may be habitat for species of concern, as well as temporary barriers during construction; and (3) creating an elevated road with wildlife passageways or a road with wildlife culverts in association with improvements to Barrett Road.

First, the restoration of upland fields, which is proposed in the Wetland Mitigation/Habitat Restoration Report, would support the recommendations in the MACHAC report:

> "Consider improving onsite habitats for species that may lose habitat as a result of development within the study area. For instance, Eastern Box Turtle habitat throughout the site may be improved through the ***reduction of non-native plants and the establishment of native meadow species***. Partnered with activities like occasional meadow management (such as rotational conservation mowing with a blade height set to 8 inches or above) and/or use of fencing to keep animals off constructed roads and workspaces

> (reducing mortality), the quality of Eastern Box Turtle habitats could be improved even if the overall area of habitat declines."

The area proposed for wetland mitigation (restoration and habitat enhancement) in the Wetland Mitigation/Habitat Restoration Report, and buffer restoration within the immediate area of the wetland, totals 1.54 acres. This is proposed compensation for the proposed 0.05 acres of wetland impact. Also, upland habitat planting/restoration is proposed outside of the actual wetland buffers, but in close proximity to the central wetland corridors, totaling approximately 13 acres. This is in addition to the replanting and restoration of 1.54 acres of wetland and wetland buffer, to mitigate for the 8.45 acres of wetland buffer that is proposed to be impacted by the proposed project. The proposed restoration of upland meadow habitat through the elimination of invasive species and replacement with native grasses and forbs will improve the remaining onsite habitat for the species of concern.

In addition, the 68 acre "No Build" area in the western part of the site, the 24 acre "No Build" area to the west of Fields Corner Road, and the 38 acre "No Build" area west of Pugsley Road all provide suitable habitat mammals, amphibians, and reptiles. In total, 172 acres of the project site are proposed to be permanently protected as "No Build" area, and these areas are in substantial blocks of land that are close to or include wetlands and areas proposed for habitat restoration.

The Wetland Mitigation/Habitat Restoration Report also recommends certain permanent and temporary barriers to support an additional recommendation of the MACHAC report:

> "Install low barriers (e.g. walls, fence, or reverse curbing) between the final developed area (including ingress/egress roads) and any residual lands that may be species of concern habitat. This barrier would keep species of concern out of the industrial/commercial development and also reduce road mortality, which is a significant threat to herpetofauna. Temporary barriers, such as properly installed

> silt fence or silt sock, installed prior to construction can also limit species of concern entering the work area, providing the barrier is continuous."

Accordingly, as part of the site design, low barriers, fencing and retaining walls will be used to keep species of concern out of the developed portions of the site. Specifically, as discussed in Response to Comment 9-23, access to Barrett Road will be blocked by the proposed retaining walls on either side of the road. Additionally, there will be permanent security fencing that will surround the buildings in the upland areas. On other portions of the property, wildlife access to the developed portions of the site will be controlled by low walls associated with the security fences around the buildings and parking areas to help keep species out of the development area. As discussed further in Response to Comment 9-18, during construction, temporary barriers, including properly installed silt fence, will be installed around active work areas to limit access for species of concern.

Finally, the Wetland Mitigation/Habitat Restoration Report recommends elevating Barrett Road to support the final recommendation of the MACHAC report:

> "An elevated road with wildlife passageways or a road with wildlife culverts should be considered, if feasible, in association with any improvements to Barrett Road. Wildlife passages or culverts, when used in combination with fencing or barriers, can significantly reduce road mortality of herpetofauna and allow for habitat connectivity and dispersal, particularly within natural corridors (Patrick et al. 2010, USDOT 2011)."

As discussed in Response to Comment Number 9-23, Barrett Road will be widened and lifted at the existing wetland crossing. As part of the Barrett Road improvements, the existing 18" RCP culvert pipe will be replaced with a 48" open bottom arch culvert to allow for wildlife passage under the Road thereby limiting the potential road mortality and providing habitat connectivity that does not currently exist. Additionally, although Pugsley Road will be widened and repaved, it will not have curbs that would otherwise entrap wildlife within the roadway.

All of the recommendations from the MACHAC report have been incorporated into the Wetland Mitigation/Habitat Restoration Report associated with development of the Revised Preferred Alternative. The MACHAC report will be provided in connection with applications to NYSDEC and USACOE for permits for the Barrett Road crossing, and to NYSDEC for the proposed grading within the adjacent area.

Comment No. 9-2

Potential habitat for spotted salamander is noted and wood frogs were identified onsite. These are vernal-pool endemic species. The development guidelines and buffers provided in Conserving Pool Breeding Amphibians (Calhoun and Klemens, 2002) must be considered and described with reference to the proposed site plan.
(B-1, AKRF)

Response No. 9-2

True vernal pools (natural fishless ponded areas with no inlet or outlet) provide breeding habitat for amphibians which spend the majority of their life cycle in the surrounding upland areas. The development guidelines provided in Conserving Pool Breeding Amphibians (Calhoun and Klemens, 2002) recommends conservation zones of up to 750' from a vernal pool to protect the critical upland habitat, and that no more than 25% of uplands be developed. There are no vernal pools within the central wetland corridor of the subject property. However, there are several man-made ponds/wetlands that were associated with the former agricultural use of the property, which are identified and shown on the Existing Conditions Plans, Drawings C-010 through C-060. These ponds likely contain fish and are also used as breeding habitat for amphibians. Spotted salamanders and wood frogs are both species that use a variety of wetland types, including vernal pools and man-made ponds/wetlands, as breeding habitat, but which spend most of their life cycle in uplands. Both species are common in New York and do not have legal protections. By limiting development of the Revised Preferred

Alternative to upland portions of the site (with the exception of the unavoidable Barrett Road crossing), and protecting or enhancing the majority of the uplands immediately around the wetlands, the proposed site plan protects the majority of the wetlands on the site and protects or restores the majority of the habitat where wetland dependent species, such as spotted salamander and wood frogs, spend the majority of their time.

Comment No. 9-3

An assessment of potential bog turtle habitat was undertaken for wetland 6 (LC-28) and suitable bog turtle habitat was found. However, no assessment is provided of bog turtle protection zones or potential impairment of life movements due to proposed development plan, with reference to Bog Turtle Northern Population Recovery Plan (USFWS, 2001).
(B-1, AKRF)

Bog Turtle Conservation Zone 2, as specified in the federal bog turtle recovery plan (Klemens 2001 :59), includes the entire (potential habitat) wetland and a buffer extending at least 300 feet upland from the wetland boundary. According to the Recovery Plan, this zone should not be used for development of structures, parking areas, driveways, or sedimentation basins, and should not be subject to applications of herbicides unless herbicide use is part of a Fish and Wildlife Service approved bog turtle habitat management plan. Klemens (2001 :58) further stated.
(B-115, Erik Kiviat PhD)

Response No. 9-3

The USFWS *Bog Turtle Northern Population Recovery Plan* (Klemens 2001) describes the Hudson/Housatonic recovery unit as "having a large number of its turtle populations concentrated in calcareous fens, which are fed by groundwater percolating through glacial sand and gravel deposits. Populations of bog turtles appear naturally more widely separated over the landscape in discrete wetlands, with turtles absent in many apparently suitable sites." (pg. 38) The Recovery Plan identifies three conservation zones

intended to assist in evaluating the potential direct and indirect impacts to bog turtle habitat that may occur as the result of certain activities in the wetlands or the adjacent upland areas. Conservation Zone 1 includes the entire wetland where potential bog turtle habitat is found; in this case Wetland 6, as well as the upper portion of Wetland 4. Conservation Zone 2 extends at least 300 feet from the edge of Zone 1, which in this case includes the uplands east of Pugsley Road and west of Interstate 84, as well as the uplands north of Route 312 and south of Zimmer Road, as well as all of the uplands within 300 feet of Wetland 4. Conservation Zone 2 on this site is limited by the existing roads that are located to the west, east, and south of Wetland 6, and by Pugsley Road and Barrett Road near Wetland 4. No project related development is proposed in these areas (Conservation Zone 1 and Conservation Zone 2 within the road boundaries) adjacent to Wetland 6, other than the use of an existing well located approximately 200 feet from the wetland edge, and the proposed widening of Route 312. Therefore, the potential bog turtle habitat located within Wetland 6 would be protected from direct or indirect impacts in conservation Zones 1 and 2 to the maximum extent practical. Mitigation measures intended to protect and enhance potential bog turtle habitat within Wetland 4 are discussed in Section III.6 Surface Water and Wetlands (Response 6-7) and Section III.9 Vegetation and Wildlife (Responses 9-1 and 9-6). It should also be noted that Appendix C of the Recovery Plan contains the protocol developed by Dr. Klemens in 1993 to assess the capacity of a site to maintain a *viable population* (emphasis added) of bog turtles within a given area. The protocol identifies several "major impediments" that significantly limit movement of turtles between wetlands, including roads and highways such as those surrounding three sides of Wetland 6. Therefore, Wetland 6 would be considered a disjunct wetland isolated by existing fragmentation from other potential bog turtle populations in the area.

The report prepared by Brandon M. Ruhe of MACHAC (discussed in Response 9-1) determined that habitat that could support bog turtles was present in Wetland 4 (located immediately south of the Barrett Road crossing) as well as in Wetland 6. The report states "Bog Turtles typically stay within aquatic habitats but would estivate in uplands, typically within 100 meters of the wetland edge." While the entire wetland

was considered in the report to be potential habitat, the north end of Wetland 4 contains a tussock sedge meadow with ideal vegetation, hydrology, soils, and sunlight to support bog turtles. Lower (more southern portions) of this wetland are shaded and narrower than the northern end of the wetland. The northern tussock sedge meadow has been encroached upon by common reed, an undesirable, invasive plant, which extends from the Barrett Road crossing to the sedge meadow. The Phase 2 Presence/Absence Survey conducted in the Spring of 2019 by MACHAC as part of the herpetofauna survey (see Appendix 9-4) confirmed that the central wetland corridor, which includes the northern portion of Wetland 4, does not contain Bog Turtles. Nonetheless, despite the small wetland area, and its somewhat isolated location, wetland and wetland adjacent area impacts have been minimized as much as possible in the design of the project. In addition, the Wetland Mitigation/Habitat Restoration Report (See Appendix 9-1) and Plan proposed for the site include measures to improve the habitat in this area and prevent wildlife from entering the developed portions of the uplands.

Comment No. 9-4

According to the NYNHP response letter (2.27.18), northern long-eared bat (Myotis septentrionalis) winter hibernaculum is documented 4 miles from project site. The USFWS 4d rule for northern long-eared bat prohibits tree removal between June 1 -July 31. The Biological Assessment Report (Appendix G-1) indicates that the applicant will follow the additional optional tree removal restriction period of April 1 - October 31. This extended tree-cutting prohibition period is not indicated in the DEIS chapter text.
(B-1, AKRF)

The DEIS notes that to avoid impacts to this species, tree cutting would be avoided during the period of June 1 through July 31. However, please note, tree removal associated with this project should occur within a time of the year work window of November 1 through March 31 to avoid direct adverse impacts to Northern-long eared bat. If tree clearing cannot be completed within this acceptable time of year restriction, further review will be required. For more information,

guidance is available on the Department website at
http://www.dec.ny.gov/animals/106090.html.
(B-144, NYSDEC)

NORTHERN LONG-EARED BAT:

Conflicting data.
On at least three separate occasions the applicant was asked about tree removal and the Northern Long Eared Bat. The applicant remained confident that their data stating: '...potential roost trees must not be cut down during the bat's pup rearing months (June 1 through July 31)' was correct (III.G-1, III.G-2, III.G-8, III.G17).

The DEC has since corrected this data indicating that tree removal should only occur between November 1 and March 31. Will the applicant ensure that this and all other natural resource data in the FEIS is correct?
(B-147, Lynne Eckardt)

Response No. 9-4

The Applicant would abide by the extended tree-cutting prohibition period to ensure that there is no incidental harm to any bats using the site during the active period (April 1 to October 31). This restriction also protects breeding birds and mammal species which may be using the site and will cover the initial removal of invasive vegetation outlined in the Wetland Mitigation/Habitat Restoration Report.

Comment No. 9-5

The Biological Assessment Report indicates that "the site was noted to be outside of the habitat range for Indiana bat". However, Putnam County is in Indiana bat range as mapped by the USFWS. The Indiana Bat Project Review Sheet (USFWS NY Field Office, March 2018) requires clearing of potential roost trees from Oct 1 to March 31 only, which if followed would extend

the applicant's proposed tree removal restriction period for an additional month, the month of October.
(B-1, AKRF)

Response No. 9-5

See response to Comment No. 9-4 above.

Comment No. 9-6

Correspondence/coordination with the NYSDEC and USFWS on potential impacts to listed species is required, and must be made part of the SEQRA record. Documentation of potential impacts to federally-listed species must follow the USFWS's 7-Step Project Review process: https://www. fws.gov/northeast/nyfo/es/section7.htm.
(B-1, AKRF)

Response No. 9-6

The preliminary screening for listed species has been completed using the databases maintained by both the U.S. Fish and Wildlife Service (USF&WS) and the New York Natural Heritage Program (NY NHP) agencies.

An official, updated list (dated August 9, 2018) of threatened and endangered species that may occur on the proposed project location, and/or may be affected by the proposed project, was received from the USF&WS New York Ecological Services Field Office. This report listed three species: Bog Turtle, Indiana Bat, and Northern Long-eared Bat. The USF&WS (the Service) 7-Step Project Review process was followed by the site Environmental Consultants (Evans Associates) and information gathered during the process was used to determine methods to avoid impacts to, and/or protect or improve habitat for, the listed species (please refer to FEIS Responses 9-1, 9-4, 9-6 in this section, as well as responses listed in Section 6. Surface Water and Wetlands). The

USF&WS provides environmental reviews of projects, however, a consultation report was not attained because the USF&WS website states: "Only Federal agencies or their designated non-Federal representatives can complete informal Section 7 consultation with the Service…If you are not a Federal agency or their designated non-Federal representative, the Service can provide technical assistance to you, but cannot complete consultation with you directly." Information on all of the listed species has been reviewed and has been provided.

A Joint Application for Permit will be submitted to the DEC and the ACOE as soon as the SEQRA process concludes. When the ACOE (a federal agency) becomes involved, they will request a consultation with the USF&WS, at which time that agency will confirm concurrence with the proposed protective measures or request modification. The Applicant is following the protocol recommended by the USF&WS and all applicable information will be provided as part of the permit application package. In all cases, the mitigation, habitat restoration, and protective measures discussed in this section have been designed to protect all of the listed species, whether or not they actually are found on the site.

Comment No. 9-7

With 80 acres of meadow and 32 acres of forest area, project mitigation is inadequate. Additional conservation and restoration measures should be explored, including restoration of portions of the existing upland field community now dominated by invasive species, i.e. portions that will be outside of the proposed limit-of-disturbance.
(B-1, AKRF)

Response No. 9-7

Additional mitigation measures have been designed for upland areas where invasive vegetation removal and habitat restoration is proposed, but where no structures or parking are planned.

A revised Wetland Mitigation/Habitat Restoration Plan has been prepared by Evans Associates to enhance the developed portions of the site at the Barrett Road crossing as well as at adjacent non-wetland areas. The revised Plan distinguishes the areas to be restored solely for Wetland Mitigation/Habitat Restoration and stormwater areas. This would be accomplished through the control of invasive species and the restoration of a variety of habitats using substantial amounts of native trees, shrubs, forbs, and grasses to provide improved habitat for a variety of animals that may currently be found on the site. Thus, in addition to the disturbance associated with the site work and building construction, the creation of the habitat restoration areas would necessitate an additional approximately 13 acres of temporary disturbance. The temporary disturbance would be limited to removing existing vegetation, tilling the soil, and planting with a habitat seed mix as specified on the drawings by Evans Associates. No change to existing grading is proposed. The mitigation report and plan and the monitoring and maintenance plan can be found in Appendix 9-1.

Comment No. 9-8

The DEIS indicates several NYS-listed species are potentially present but no discussion of impacts to these species are described - including: American kestrel (Falco sparverius) NYS endangered, Coopers hawk (Accipiter cooperii) NYS special concern, eastern box turtle (Terrapene Carolina carolina) NYS special concern, and spotted turtle (Clemmys guttata) NYS special concern.
(B-1, AKRF)

Response No. 9-8

It is likely that all the species listed in this comment could potentially use the site at some point, either as resident species or as migratory species. To better define and describe the on-site habitats for amphibians and reptiles, the Mid-Atlantic Center for Herpetology and Conservation (MACHAC) was retained to provide an opinion

regarding the suitability of the proposed site for rare amphibian and reptile inhabitance. Please see Response 9-1 (above), and the report, Herpetofaunal Habitat Assessment of the Proposed Northeast Interstate Logistics Center, located in Appendix 9-2. Drawings MP-1 "Overall Habitat Restoration & Wetland Mitigation Plan" and MP-2 and MP-3 "Habitat Restoration Plan", prepared by Evans Associates Environmental Consulting, Inc. (Evans Associates), dated last revised August 7, 2019, and the accompanying narrative "Installation, Management, and Monitoring Protocol for Upland Habitat Restoration Areas and Wetland Habitat Restoration", dated August 2019 (Appendix 9-1), were developed to improve habitat quality for a number of other species, including those mentioned in this comment.

Comment No. 9-9

Potentially present forest area-sensitive birds were identified onsite, including: eastern wood peewee, red-eyed vireo, wood thrush, ovenbird, scarlet tanager, black and white warbler, veery, blackthroated green warbler, etc. Impacts of forest fragmentation resulting from the proposed project on these species is not discussed. Similarly other species may be adversely affected by clearing of old field habitat, including Yellow-billed cuckoo (Coccyzus americanus), a bird species that is in steep decline. The DEIS should discuss animal species rarity for those known or suspected to occur and should analyze potential adverse impacts to these species from site development.
(B-1, AKRF)

Despite the invasive plants, the upland shrubland habitat is evidently important habitat for shrubland breeding birds. I heard or saw eastern towhee, veery, wood thrush, northern cardinal, and common yellowthroat; all are species that nest in shrubland although the wood thrush is primarily a forest bird (and is a New York Species of Greatest Conservation Need [SGCN]). These relatively common shrubland birds may indicate the presence of rarer species that are of greater concern, including American woodcock, black-billed cuckoo, brown thrasher, blue-winged warbler, prairie warbler, and yellow-breasted chat, all of which are SGCN (NYSDEC 2015).

(B-115, Erik Kiviat PhD)

Response No. 9-9

Dr. Kiviat visited the site on May 16, 2018, during the spring migration. The birds mentioned in this comment as being observed, Eastern Towhee (*Pipilo erythrophthalmus)*, Veery (*Catharus fuscescens*), Wood Thrush (*Hylocichla mustelina*), Northern Cardinal (*Cardinalis cardinalis*), and Common Yellowthroat (*Geothlypis trichas*) are all common species observed in this region during both spring and fall migrations, and all of them are considered probable breeding birds for the site. The other species mentioned in Dr. Kiviat's comment are all birds that utilize dense shrubland and forest edges for nesting. The 68 acre "No Build" area in the western part of the site, the 24 acre "No Build" area to the west of Fields Corner Road, and the 38 acre "No Build" area west of Pugsley Road all provide suitable habitat for all of the bird species mentioned, as well as mammals, amphibians, and reptiles. In total, 172 acres of the project site are proposed to be permanently protected as "No Build" area, and these areas are in substantial blocks of land that are close to or include wetlands and areas proposed for habitat restoration.

Comment No. 9-10

Figure III.G.2: Vegetative Communities Impact Table, shows the LOD line outside of property boundary. What is the impact acreage, and habitat type, of this additional area?
(B-1, AKRF)

Response No. 9-10

The vegetative habitat types have been expanded to include the off-site areas that would be disturbed for road widening. See Figure III.9-1.

Comment No. 9-11

Page III.G-14 indicates that the majority of site disturbance (84.5 acres) is to the successional old field/shrubland vegetative community, 29.6 acres of disturbance is proposed to the woodland transitional areas, and 5.9 acres of disturbance to the former farm vegetative community. However, the Project Description chapter indicates 133.2 acres of overall disturbance (a larger area) of which 61.2 acres would be impervious surface and 72 acres would remain pervious. (p. 11-28). At p. II-29 the project description says 57 acres of impervious surface, a smaller area than the previous page. Please revisit the DEIS 's overall disturbance calculations as necessary to resolve discrepancies.
(B-1, AKRF)

Response No. 9-11

Within the OP-3 portion of the property, approximately 89.6 acres would be disturbed. The total impervious area proposed for the project is 48.4 acres.

Outside of the OP-3 portion of the property, an additional 25.1 acres are proposed to be disturbed, chiefly for the grading necessary for the installation of stormwater practices and the septic system associated with Building A.

Figure III.9-1 "Vegetative Communities Impacts Map" depicts a total disturbance of 102.1 acres which, as noted on the figure, excludes disturbance within roadway rights-of-way and the site area within Barrett Road, because these areas contain no vegetation and are existing impervious surface. However, to be conservative, the figure assessed the entire approximately 328 acre property, even though the project only involves erecting buildings on the 229 acres that the Applicant owns in the OP-3 District.

Comment No. 9-12

The DEIS indicates the project will employ "dark sky friendly lighting". This must be explained further (hours, fixture types, lumens, etc.) with reference to potential impacts to plants/animals and with appropriate academic citations to support conclusions.
(B-1, AKRF)

Response No. 9-12

The proposed lighting fixture types and locations are depicted on Drawings C-601 through C-605, "Lighting Plan". The Lighting Plans depict the photometric analysis with footcandles indicated, which are in compliance with Article XVII of the Town Zoning Code. The lighting fixtures to the west of the buildings, excluding employee parking areas, are proposed to be equipped with occupancy sensing motion detectors. The sensors adjust the brightness of the light to 30% of full illumination when the zone is absent of motion activity for five minutes.

Potential impacts on animals, particularly nocturnal species, caused by outdoor lighting has been well documented and has resulted in so-called "dark sky lighting" guidelines to minimize the harmful effects of light pollution. In general, outdoor lighting should be fully shielded and illuminate as small an area as possible for the shortest time period possible. This should be aided by the occupancy motion detectors discussed above which would adjust the brightness of the light to 30% of full illumination when the lit zone is absent of motion activity for five minutes. In addition, the proposed building lights would be 16 feet above the ground and the pole mounted parking lot lighting has been reduced by the Applicant in response to the comments expressed from 30 feet to 20 feet. The proposed lighting would be positioned and shielded to minimize any visibility of the light fixtures and the lighting would be aimed to light areas where needed and not spill light into areas that do not need to be illuminated.

Comment No. 9-13

Open space does nothing if it is fragmented. I can just imagine trying to put up a 300,000-square-foot building and the wildlife just sitting around saying, Look here, oh, what there. You know, that ain't going that ain't going to happen. So whatever – whatever is there on - - on Pugsley Road with the wetlands, with maybe a bog turtle or two, who knows.
(B-2, PH #1, Ms. Fanizzi)

I didn't hear too much about the wildlife impact, just getting chased out of there or killed or demolished in that area as far as wildlife goes.
(B-2, PH #1, Ms. McCarthy)

The severe affect or possibility on the flora and the fauna.
(B-3, PH #2, Mr. Catalino)

What about the wildlife and how will that affect them?

One time the ground was disturbed behind Twin Brook Manor and a rat's nest was disturbed. We had rats running all around our neighborhood even getting into our homes. If this happens again the town will be hearing from me.
(B-8, Amanda DeHaan)

Danger to wildlife.
(B-9, James Scomillio)

The harmful effect to the wildlife.
(B-14, Shi Chen)

Carmel is beautiful, quite, green and a sanctuary for wildlife (unfortunately they have less and less space). Where are the animals to go if this green space is taken over. They are surrounded by developments and roads?
(B-30, Jackie)

There is no amount of money that will make up for what will be lost in the way of wildlife.
(B-58, Angela Cuomo)

And the wildlife that are being forced out of their environment which will make roads unsafe.
(B-60, Vincent Stallone)

NIL will clear cutting a 100 acres, of which 57 acres will be impervious parking and building surfaces and the destruction of endangered species habitat.
(B-64, Samantha Jacobs)

Destroy 100 acres of woodland, currently home to the endangered bog turtle and threatened northern long-eared bat.
(B-68, KK Dorkin)

And the harmful effect to the wildlife will be unimaginable.
(B-74, Ping Ye)

There is also wildlife in this area that would also be affected.
(B-79, Susan Tullipano & Ken Tullipano)

I enjoy seeing the wildlife that exists in the wooded areas behind my home. Where will these animals go?
(B-84, Rita LaBella)

Fragmenting open space habitat of flora and fauna rendering them inadequate for the species.
(B-117, Ann Fanizzi)

What about all the wildlife that lives on that property?
(B-133, Kathie Franco)

Nothing whatsoever has been mentioned about the displaced wildlife. This wildlife, some of which are endangered, need an uninterrupted corridor so they do not end up as roadkill and cause auto accidents as well.
(B-136, Lisa Aurello)

Environmental.
(B-138, Michael Catalano)

The severe effect on flora & fauna.
(B-138, Michael Catalano)

will impact several different species of flora and fauna.
(B-142, Steve & Susan Elias)

Of course, there are also wildlife that would be displaced if the rezoning takes place, including endangered Bog Turtles and the Northern Long-eared Bats, which will have a greater chance of becoming extinct in order to accommodate this project.
(B-168, Christine Caso)

Response No. 9-13

The impacts to wildlife resulting from forest fragmentation are discussed in the response to Comment 9-9. In total, 172 acres of the project site are proposed to be permanently protected as "No Build" area, and these areas are in substantial blocks of land that are

close to or include wetlands and areas proposed for habitat restoration. This includes approximately 116 acres of the Applicant's property in the OP-3 District that are proposed to be "No Development" areas (as shown on Figure I-7), and 56 acres "No Development" area west of Pugsley Road, which all provide suitable habitat for fauna. These areas of the site would be preserved as wildlife habitat and open space under the revised plan, including a large section (68 acres) of the property that is adjacent to residential developments.

In addition, the amount of impact on the existing old field/shrubland habitat has been reduced from 84.5 acres proposed in the DEIS to 81.3 acres for the Preferred Alternative Plan.

Protected species (Bog Turtle and Northern Long-eared Bat) are also discussed in Responses 9-3, 9-4, and 9-6.

Comment No. 9-14

But I guess the first thing was from the endangered species aspect. The only thing that we - - in the buildable zone is the northern long-eared bats; correct? That was the only thing in that particular - -
(B-3, PH #2, Mr. Hecht)

What about Town liability from New York State regarding protective measures required to be taken when projects occur within occupied habitat of the Northern Long-eared Bats? Seabury contends the bats hibernation site is ***3.75 miles*** *from the project site so there are no restrictions on tree cutting. The N.Y.S.D.E.C. website states ,"there is no restrictions on tree cutting unless a project is located* ***within 5 miles*** *of a known hibernation site". There have been noises coming from the project site, have any trees been cut down?*
(B-91, Alan Wendolski)

Response No. 9-14

The applicant has agreed to extend the tree-cutting restriction to the period between November 1 and March 31 (i.e., it will only conduct tree-cutting during this period), when the bats are hibernating and not using the roost trees on the site.

Comment No. 9-15

Our friendly bog turtle that visits our complex on a regular basis has not been mentioned tonight. He comes up to our front door. I've seen him crossing Simpson Road. He's there.
(B-3, PH #2, Ms. Fay)

Response No. 9-15

Measures to protect the potential bog turtle habitat on the site are described in Response 9-3. Again, however, the Phase 2 Presence/Absence Survey conducted in the Spring of 2019 by MACHOC as part of the herpetofauna survey confirmed that the central wetland corridor, which includes the northern portion of Wetland 4, does not contain Bog Turtles.

Comment No. 9-16

We should not take lightly any - - any parking or any impervious surfaces that would, in any way, degrade these -- this wetland, nor, for that matter, some of the possible endangered species or for plants or for animals.
(B-3, PH #2, Ms. Fanizzi)

The proposed project would result in ***encroachment into NYSDEC Wetlands*** *LC-18 and LC-28 and their buffers. It would also* ***disturb 7.81 acres of wetland and stream buffers regulated by the Town of Southeast****.*

- *There could be* ***negative effects on threatened and endangered plant and animal species*** *such as the Red Maple Tree, the Northern Long-Eared Bat and the Bog Turtle.*

(B-104, Nathalie Del Vecchio and Roberto Molina)

Response No. 9-16

Avoidance of impacts to the Northern Long-Eared Bat and the Bog Turtle is discussed in Responses 9-3, 9-4 and 9-9. Red maple trees are very common and are not Threatened or Endangered.

Comment No. 9-17

I've spotted a bald eagle in that area which happen to be thriving in this area.

Can we have a Deis done on this specific population seeing as they are a federally protected species?
(B-18, Doug Kugel)

Response No. 9-17

The bald eagle was delisted as a federally protected endangered or threatened species by the US Fish and Wildlife Service in 2007. The bald eagle and the golden eagle are protected by the Bald Eagle and Golden Eagle Protection Act (1940), the Migratory Bird Treaty Act, and the Lacey Act (1900), all of which pertain to the killing, sale, or transport of the birds.

Bald eagles are still listed as a threatened species in New York, but their preferred habitat is described in the NYSDEC Conservation Plan for Bald Eagles in New York State (2016) as "undisturbed areas near large lakes and reservoirs, marshes and swamps, or stretches along rivers where they can find open water and their primary food, fish." While the site is near open water habitats where the eagles may fish, the site does not

contain any areas which would be considered preferred habitat for the bald eagle. As described by the commenter, bald eagle populations are generally rebounding nationwide and reported sightings are increasing across their range. NYSDEC should be contacted prior to construction to determine the closest nest site to the project, and the appropriate management guidelines to be applied to the project.

Comment No. 9-18

If construction takes place, can there be a barrier, some type of fencing if only temporary to avoid road disasters on I84 from deer and wildlife being forced out of their habitat?
(B-29, Gina Occhigrossi)

Response No. 9-18

During construction, barriers including construction fencing (at the limits of disturbance) and silt fencing are installed around active construction sites. A double row of silt fencing may be required around sensitive wetland areas. The barriers are inspected routinely as part of the construction monitoring, and any animals found inside the construction area should be relocated to the outside of the fencing. These measures serve a dual purpose in excluding vulnerable wildlife, such as slow-moving reptiles and amphibians, from the construction site. When possible, construction activities that are most disruptive to wildlife (vegetation clearing and grading) should be completed during the non-growing season, November 1 to March 31.

The proposed project will be phased, which will help to minimize disturbance to resident wildlife species. Movement of wildlife off the site during construction is usually temporary, and most species will find shelter and suitable habitat in the portions of the site that are no being disturbed.

Comment No. 9-19

The Bog Turtle is an endangered Species which is protected by the Endangered Species Act. As part of the protection under this act Seabury was supposed contact the U.S. Fish and Wildlife Service ***early*** *in the planning for a project that* ***may*** *affect the Bog Turtle or its habitat. We are currently at step 8 in the 11 step S.E.Q.R. process, when did Seabury make the notification as required by Federal Law? If Seabury has failed to follow proper procedure per Federal guidelines is the Town in violation of its fiduciary duty to uphold the E.S.A.? What liability do we now bear if Seabury violated the E.S.A.?*
(B-91, Alan Wendolski)

Response No. 9-19

As part of the information gathering process for the Draft Environmental Impact Statement, the applicant's consultants requested a consultation from the US Fish and Wildlife Service regarding the potential for threatened or endangered species, including proposed and candidate species, and designated or proposed critical habitat on or near the project site. The response from US Fish and Wildlife, dated September 13, 2017, was included as an attachment to the Biological Assessment Report dated March 2018, contained as Appendix G-1 of the DEIS. Protection of the potential bog turtle habitat on the site is further discussed in response to comment 9-3.

The Barrett Road crossing improvements will require permit approval from both NYSDEC and US ACOE. As part of the permit review by those agencies, USFWS will be consulted regarding potentially present federally listed species and measures that should be implemented to avoid impacts.

Comment No. 9-20

Concerns to the environment and wildlife...
(B-100, Marie Vigada)

There will be destruction of our fragile ecosystem.
(B-179, Alice Brandon)

Response No. 9-20

Comment noted. Please refer to responses throughout this section that address concerns regarding specific wildlife and environmental/ecosystem concerns.

Comment No. 9-21

According to the DEIS and SWPPP, there are approximately 130 total acres of woods and brush to be cleared and grubbed. This will generate a significant amount of vegetative waste (e.g. stumps). However, there is no narrative describing how this vegetative waste material is going to be handled and disposed. In addition, the location for the disposal of this material needs to be shown on the appropriate drawings. The construction phasing plan must show how the waste generated in each phase will be disposed.
(B-108, Watershed Inspector General)

As is alluded in the DEIS, most of the upland area proposed for development is dominated by a dense and tall stand of autumn olive (Elaeagnus umbellata) with other non-native and native woody and non-woody plants. Clearing for the proposed buildings and infrastructure would require the disposal of a massive amount of nonnative woody plant material. Autumn-olive is on the "Prohibited" invasive species list in New York State (NYSDEC 2014). The DEC Bureau of Invasive Species and Ecosystem Health has suggested that management and disposal of this species be addressed in the erosion and sediment control plan for the site (Willow Eyres,

personal communication, 29 June 2018). Even after excavation or brush-hogging of this vegetation, roots and seeds will remain in the soil and there will be a continuing control problem. If the shrubs are treated with herbicide prior to excavation or cutting, herbicide is likely to enter the wetlands via wind drift and runoff in amounts toxic to native wetland plants and animals.
(B-115, Erik Kiviat PhD)

Response No. 9-21

There will be no stockpiling or on-site composting of vegetative waste. Vegetative waste from invasive species is generally ground and chipped and removed from the site to be composted at an off-site location. The composting process involves high temperatures, which kill seeds and root stock of invasive species, and the composting area is segregated from other processing areas to avoid cross-contamination. No herbicides are applied to the vegetation prior to removal, as herbicide residue can contaminate the composted material, as well as leaching into areas surrounding the processing site and stockpile areas.

Comment No. 9-22

I observed a persistently singing northern waterthrush in wetland LC-28 onsite. This is a regionally-rare breeding bird of northern affinities and may require a cool microclimate in its breeding habitat. Removal or thinning of vegetation near the wetland habitat, or reduction in the discharge of cool groundwater into the habitat during the spring breeding season could adversely affect habitat quality for northern waterthrush.
(B-115, Erik Kiviat PhD)

Response No. 9-22

Groundwater discharge would continue to be a major component of the hydrologic input to this wetland following development. No vegetation is proposed to be removed from within or near this wetland, with some minor roadside vegetation removal

proposed for the Pugsley Road improvements. A Wetland Water Budget Analysis has been prepared for the proposed project to determine potential impacts from changes in the drainage area, and the changes to the watershed of Wetland 6 (LC-28) are not large enough to alter the discharge of cool groundwater within the wetland itself (see Wetland Water Budget Analysis).

Comment No. 9-23

Inasmuch as many birds, mammals, amphibians, reptiles, and insects move among multiple habitat types, often crossing roads in the process, keeping development out of LC-28 and the other wetlands does not ensure no negative impact on wildlife.
(B-115, Erik Kiviat PhD)

Response No. 9-23

There are no new roads proposed for this development; however, improvements are proposed to Barrett Road and Pugsley Road (see Drawing C-904). Specifically, Barrett Road will be widened and lifted at the existing wetland crossing, as discussed in Response to Comment 9-1. As part of the Barrett Road improvements, the existing 18" RCP culvert pipe will be replaced with a 48", open bottom arch culvert to allow for wildlife passage under the road. Access to the road itself will be blocked by the proposed retaining walls on either side of the road, and by the security fencing that will surround the buildings in the upland areas. Elsewhere on the property, wildlife access to the developed portions of the site will be controlled by low walls (2' – 3' in height) associated with the security fences around the buildings and parking areas. Pugsley Road will be widened and repaved but will not have curbs that would entrap wildlife within the roadway.

Comment No. 9-24

A recently described and named species, the Atlantic Coast leopard frog (ACLF; Rana [Lithobates] kauffeldi) is known from a wetland within a few miles of the NILC site.
(B-115, Erik Kiviat PhD)

Some areas of the onsite wetlands may have enough seasonal standing water that could support ACLF breeding. The wetlands on and adjoining the site should be visited several times during the early spring calling season of the ACLF.
(B-115, Erik Kiviat PhD)

Response No. 9-24

Comment noted. As this species is only recently described, not enough research has been done to identify potential threats to this species. However, the New York State Natural Heritage website http://acris.nynhp.org/guide.php?id=38269&part=1 suggests that preservation of large wetlands and reduced use of pesticides may be beneficial to the species.

According to the herpetofaunal habitat assessment report prepared by the Mid-Atlantic Center for Herpetology and Conservation (MACHAC) (Appendix 9-2), potentially suitable breeding habitats were found on the site for the ACLF in the pond in Wetland 5, north of Barrett Road, and Wetland 4, on the south side of Barrett Road. However, on site surveys (including calling surveys, egg mass surveys, and dip-net surveys) during the spring and early summer of 2019 by MACHAC did not find any evidence that this species is present on the site (Appendix 9-4).

No impacts are proposed to the pond in Wetland 5. Proposed impacts to Wetland 4 total 0.05 acres. Mitigation and restoration for those impacts are proposed for a total of 1.5 acres of wetland and wetland buffer located immediately south of Barrett Road.

Mitigation and restoration details are discussed in Section 6. Surface Water and Wetlands (see Response 6-7) and in the report titled *Installation, Management, and Monitoring Protocol for Upland Habitat Restoration Areas and Wetland Habitat Restoration* (in Appendix 9-1).

Comment No. 9-25

Knotweed (Fallopiajaponica = Polygonum cuspidatum) is establishing on the town stump and log dump at the north end of wetland LC-28 and is likely to spread into the edges of that wetland and onto upland areas of the development site. The dump needs to be gated and the knotweed removed by nonchemical means (see management techniques in Travis and Kiviat 2016).
(B-115, Erik Kiviat PhD)

Response No. 9-25

The location described is not on the project site, but knotweed also is found on the site and is one of many invasive species that have become established over the last 20 years. The project's Wetland Mitigation/Habitat Restoration Plan proposes the control of invasive species and restoration of a variety of habitats using substantial amounts of native trees, shrubs, forbs and grasses to provide improved habitat for a variety of animals that may currently be found on the site. In addition, an Invasive Species Field Manual, dated July 2019 (Appendix 9-3) has been prepared by Evans Associates which summarizes the removal and management strategies for the invasive species found on the site.

Comment No. 9-26

During construction, and following construction until the development of vegetation stabilizes soils, stormwater runoff exiting the site will carry substantial quantities of "silt" (fine soil materials). Traditional engineering practices, particularly the commonly used types of filter

fabric siltation barrier fences, as well as staked hay bale barriers, do not effectively contain fine soil materials (Patterson 1994, Barrett et al. 1995, 1998). Moreover, siltation barriers must be designed, installed, monitored, maintained, repaired, and decommissioned properly, which I have never seen. Wetland vegetation, soils, and wildlife are generally intolerant of siltation and the plant nutrients and other pollutants carried with it.
(B-115, Erik Kiviat PhD)

Response No. 9-26

During construction, stormwater runoff from the site would be intercepted by diversion ditches and conveyed to temporary sediment basins, to the maximum extent practicable, to minimize the amount of stormwater runoff to silt fences. Hay bale barriers are not proposed. The owner shall ensure that the trained contractor, who would be responsible for the implementation of the SWPPP, is on site on a daily basis when soil disturbance activities are being performed. The owner shall have the trained contractor inspect the erosion and sediment controls and pollution prevention measures on a daily basis to ensure that they are being maintained in effective operating condition at all times. In addition, the qualified inspector shall perform at least two site inspections every seven calendar days when soil disturbance is greater than five acres, which is proposed for this project. Two rows of silt fence are proposed near Wetland 4.

Comment No. 9-27

Removing ridgelines and altering wetlands will destroy wildlife habitat and waterways that are important to our already comprised eco system.
(B-118, Cherie Ingraham)

Response No. 9-27

Please refer to responses throughout this section that address concerns regarding specific wildlife wetland habitats.

Comment No. 9-28

Higher likelihood for vermin and disease (as I would expect food will be part of shipments). (B-135, Alison Yara)

Response No. 9-28

Warehouse/distribution centers have an interest in safeguarding their stocks and can be anticipated to undertake any necessary measures to control vermin. All waste containers will be rodent- and pest-proof with tight-fitting lids. All waste will be stored in such containers and no waste will be left out in the open.

Comment No. 9-29

The DEIS states that Northern Long-eared Bat habitat will be unaffected as no tree cutting will occur from June 1-July 31 during pup rearing time. Current NYSDEC policies extend further protection of Northern Long-eared Bat habitat when tree cutting is proposed to occur April 1-October 31 and within 5 miles of a hibemaculum. For projects requiring tree removal to convert forest habitat to another land use that are within 5 miles of an occupied hibemaculum or 150' of a documented summer occurrence, a permit may be required. Please refer to current requirements regarding a disturbance permit here: http://www.dec.ny.gov/animals/106090.html.
(B-137, NYCDEP)

Response No. 9-29

As noted in Comment 9-14: The applicant has agreed to extend the tree-cutting restriction to the period between November 1 and March 31, when the bats are hibernating and not using the roost trees on the site.

Comment No. 9-30

Page III.G-16 refers the NYSDEC letter in Appendix I-2. The DEIS should also mention the potential need for an endangered species permit for tree removal. Permit staff should be contacted to provide appropriate site review regarding the potential requirement for a permit and this information should be part of the EIS.
(B-137, NYCDEP)

Response No. 9-30

All permits from NYSDEC would be applied for once the Lead Agency's SEQRA process is complete. Tree cutting would be restricted to the period between November 1 and March 31 when no potential taking of endangered species would occur.

Comment No. 9-31

The relationship between vegetation and wildlife impacts is not well discussed. The relative impacts not only to wildlife listed in this section, but to pollinators as well, is not discussed in relation to the reduction of habitats. As habitats of various types are diminished by development, wildlife become more concentrated in smaller areas which, in tum, causes other types of conflicts, such as vehicle accidents, herbivory of landscaping plants, etc. A revised DEIS should discuss the effect of habitat loss and the benefit, if any, of the connectivity of retained habitats and whether the planned re-vegetation will provide beneficial habitat for any wildlife.
(B-137, NYCDEP)

Response No. 9-31

Habitat connectivity is maintained under the proposed layout, with corridors of undisturbed habitat running through the project site in a north-south orientation.

Upland mitigation is proposed, including re-establishing upland meadows by controlling invasive species and planting native herbaceous species, grasses, and forbs. Flowering species would be provided in the proposed seed mixes to benefit pollinators. Please refer to the Wetland Mitigation/Habitat Restoration Plan, provided in Appendix 9-1. Please also see Response 9-1.

Comment No. 9-32

Appendix G of the DEIS describes "Wetland 6" as having suitable vegetation and hydrology for bog turtle habitat based on a Phase 1 bog turtle habitat survey that was completed. A copy of the Phase 1 survey information should be submitted to involved agencies for review.
(B-137, NYCDEP)

Response No. 9-32

The review of Wetland 6 for the DEIS produced a Bog Turtle Habitat Evaluation Field Form which can be found at the end of the Biological Assessment Report (DEIS Appendices Volume II, Appendix G-1). The review conducted by MACHAC personnel (See response 9-1) produced a Phase 1 Bog Turtle Habitat Survey Data Form for the Northern Population Range for three wetlands on the site. Wetland 6 and Wetland 4 were determined to have suitable Bog Turtle habitat. The data forms for the MACHAC review are included in their report, Herpetofaunal Habitat Assessment of the Proposed Northeast Interstate Logistics Center, which is included in Appendix 9-2.

Please also see Response 9-3.

Comment No. 9-33

It is recommended that protective measures be implemented such as double row silt fencing along the edge of Wetland 6, to keep turtles from entering work areas. While the document states that direct impacts to Bog Turtle habitat have been completely avoided it should be noted that bog turtles may travel in uplands that are adjacent to wetland habitat to relocate to new areas. Additional protective measures can include working in the winter season when bog turtles are hibernating.
(B-137, NYCDEP)

Response No. 9-33

Please see the response to Comment 9-18.

Comment No. 9-34

With regard to the following plan sheets: Landscaping (C-501 to C-505), Erosion Control (E-401 to E-405) and Details (C-900, Tree Protection (6) and C-903 Planting and Staking Details (55-58)), seed mix contents are not listed on any of these drawings and do not provide sufficient guidance for stabilization. The project sponsor is urged to provide complete species lists for the following along with planting and staking details for other vegetation:

- *Native Steep Slope Mix with Annual Ryegrass*
- *NYSDEC Stormwater Basin Mix #1*
- *NYSDEC Stormwater Basin Mix #2*

(B-137, NYCDEP)

Response No. 9-34

The drawings by Evans Associates have been revised to include a comprehensive seed mix for the meadow areas. The Stormwater basin seed mixes are detailed on the

Stormwater Basin Planting Plans by Evans Associates. These plans can be found in the full-sized drawing set.

Comment No. 9-35

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following state-listed species:

Name	***Status***
Northern long-eared bat (Myotis septentrionalis)	*Threatened*

A permit is required for the incidental taking of any species listed as "endangered" or "threatened", which can include removal of habitat.
(B-144, NYSDEC)

Response No. 9-35

Comment noted. Tree removal would occur during the winter months when bats are hibernating off site. Therefore, it is the Applicant's opinion that an incidental take permit will not be required.

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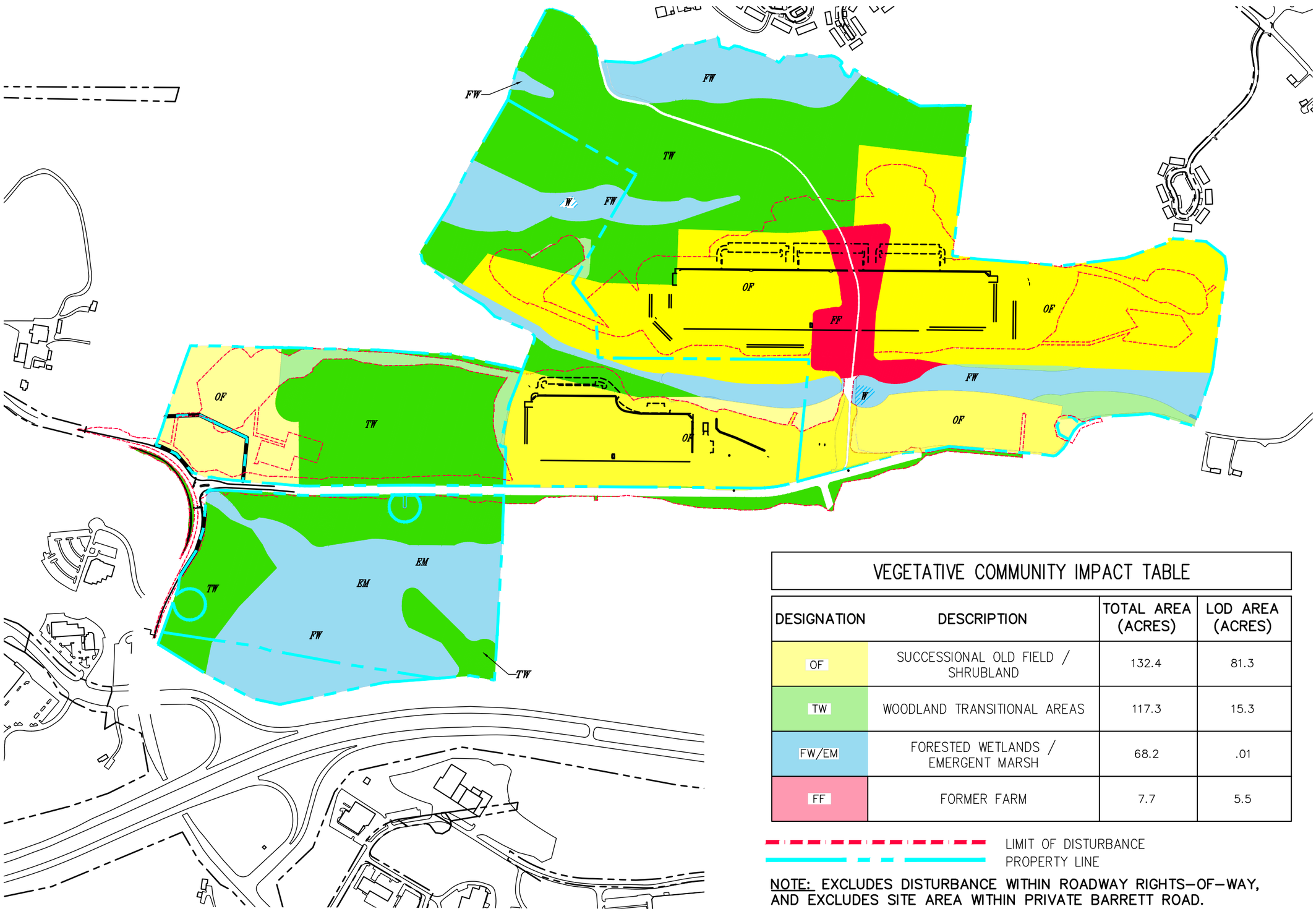

VEGETATIVE COMMUNITY IMPACT TABLE

DESIGNATION	DESCRIPTION	TOTAL AREA (ACRES)	LOD AREA (ACRES)
OF	SUCCESSIONAL OLD FIELD / SHRUBLAND	132.4	81.3
TW	WOODLAND TRANSITIONAL AREAS	117.3	15.3
FW/EM	FORESTED WETLANDS / EMERGENT MARSH	68.2	.01
FF	FORMER FARM	7.7	5.5

LIMIT OF DISTURBANCE
PROPERTY LINE

NOTE: EXCLUDES DISTURBANCE WITHIN ROADWAY RIGHTS-OF-WAY, AND EXCLUDES SITE AREA WITHIN PRIVATE BARRETT ROAD.

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COMMERCIAL CAMPUS AT FIELDS CORNER

TOWN OF SOUTHEAST, NEW YORK

NY 312 & PUGSLEY ROAD

VEGETATIVE COMMUNITIES IMPACTS MAP

JMC PROJECT: 14012

DATE: 03/2019

SCALE: 1" = 600'

FIGURE: III.9-1

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14012-VEGETATION-MAP.dwg; VEGETATIVE IMPACT.tab; VEG-IMPACTS.scr

III.10 Tax Analysis

Comment No. 10-1

The text in 2.a. Existing Property Tax Condition notes that there are five non-homestead parcels on the property. Table III H-1 shows only four non-homestead properties. Based on an examination of Appendix H-1, parcel 45-1-5.3 is a non-homestead parcel but is incorrectly listed as a homestead parcel in Table III.H-1. This is also relevant since the incorrectly labeled parcel appears to be the parcel that is valued the highest of all parcels at $741,115.
(B-1, AKRF)

Response No. 10-1

The below excerpt of Table III.H-1 of the DEIS has been so corrected:

#	Tax ID #	Acreage	Zoning
1	45.-1-4 (NH)	42.54	RC
2	45.-1-5.2 (NH)	21.74	OP-3
3	45.-1-5.3 (NH)	29.50	OP-3
4	45.-1-8.1	10.44	OP-3
5	45.-1-8.2	8.95	OP-3
6	45.-1-8.3	3.40	OP-3
7	45.-1-12 (NH)	52.52	RC
8	45.-1-13 (NH)	7.78	RC

Comment No. 10-2

The "Anticipated Impacts" section should include an estimation of the municipal costs of the proposed development.
(B-1, AKRF)

Let's be realistic here. You're talking about strain on local services.
(B-3, PH #2, Mr. Lubra)

I would like to see these claims of tax reduction substantiated by some statistical evidence to the point of why this influx of new taxes is not offset by the increased need for services such as police and fire personnel, school use, infrastructure, and perhaps more.
(B-172, David Buckner)

In fact they will have to go up for building new roads and the roundabout, increased police and fire department, new street lights and they will get generous tax breaks.
(B-174, Christine Capuano)

Response No. 10-2

The warehouse/distribution facility would place minimal demands on municipal services. Other than routine road maintenance, the only anticipated municipal costs generated by the ongoing operations of the warehouse/distribution facility would be related to per capita emergency services costs for the employee population. The proposed development would not generate any costs for the school district. Based on the following analysis, the 1,040 anticipated total employees over 24-hours generated by the proposed project would incur a total estimated annual municipal service cost of $117,520.

An assessment of the per employee cost of providing municipal services was prepared in accordance with the well-recognized average or per capita cost approach.[1] An average cost analysis is based on the assumption that current municipal operating costs provide a reasonable estimate of future operating costs so that existing levels of municipal service on a per capita basis is a reasonable representation of future levels

[1] See Development Impact Assessment Handbook, Urban Land Institute, 2nd Edition (1993).

of service. In other words, a per capita relationship is where the current level of service per person in a community is considered to be the benchmark for the level of service for future development. The allocation of tax-supported municipal services between the residential and non-residential sectors of the municipality is roughly proportional to the breakdown between residential and non-residential properties in the tax base.

According to the Town's 2018 adopted budget, the total tax levy is $6,256,258. The total assessed valuation of all taxable real property in the Town is $2.8 billion, of which $398 million (14%) is non-residential. Therefore, approximately $877,689 (14%) of the Town's total tax levy is allocated to provide services to the non-residential tax base. Based on US Census estimates of 7,753 total jobs in the Town of Southeast, this translates to a per capita cost of approximately $113 per employee. For the proposed development, which is anticipated to have a total of 1,040 employees over 24-hours, the total annual municipal tax cost would be approximately $117,520.

The minimum amount of property revenue that would be generated from the property with only one of the buildings proposed as part of the Preferred Alternative and a Payment in Lieu of Taxes (PILOT) agreement in place, would be $332,871. With both buildings and a PILOT program in place, the annual property revenue generated by the PILOT would initially be $1,006,692 in accordance with the PILOT agreement. The property revenue would increase each year under the PILOT agreement, reaching a total of $3,807,423 annually upon completion of the PILOT program. Thus, even with the PILOT agreement, the property would generate more than enough property revenue to more than cover the total annual municipal cost.

Initial road construction and related infrastructure improvements required for the project would be funded by the Applicant. The additional property taxes generated by the proposed project (see Response No. 10-3) would more than compensate the Town for any additional road maintenance resulting from the project.

Comment No. 10-3

The description of the PILOT should have an estimate of the amount that the applicant will pay each year of the PILOT or over the total span of 10 years. If this is unknown, it can be estimated based on the assessed value of comparable facilities in the Town. The difference between what the Applicant would pay in taxes without the PILOT should be compared to the taxes that would be paid under the PILOT. The total approximate value of the IDA inducement should be quantified including the PILOT, sales tax exemptions or any other benefits provided by the IDA inducement. Additionally, any development or processing fees for IDA inducement should be quantified. Once the above is quantified, the net fiscal impact of the proposed development should be estimated.
(B-1, AKRF)

Response No. 10-3

The Applicant is not applying for a PILOT at this time, which may become pertinent only at a future date when a tenant is identified. The PILOT payment numbers within the FEIS are provided to give the Town a realistic and conservative estimate of revenue, but the PILOT payments would not be determined until the process described below has been completed.

A general discussion of a PILOT program in Putnam County follows.

In brief, the Putnam County Industrial Development Agency (IDA)[2] provides incentives for private sector business investments and job creation resulting in economic growth and improved quality of life. The process begins with an application to the IDA and consideration of the application by the IDA at a public meeting. All IDA meetings are open to the public who may comment on any IDA Agenda item(s) at the end of the meeting. The public is welcome to submit written questions in

[2] At https://www.putnamcountyny.com/PutnamIDA/

advance of the meeting regarding Agenda items. Upon approval of an Initial Resolution at a regular IDA Board Meeting, which would include a proposed PILOT program, a public hearing is required for the specific project at which members of the public may provide oral or written comments for or against the project receiving incentives. During the approval process, the County IDA will seek local approval from the tax dollar recipients including the Town Board, School Board, and County. At the time of requesting this approval, the tenant occupant will be identified including associated new jobs.

More broadly, the PILOT is a mechanism to encourage economic development while providing appropriate revenue to the local municipality and other taxing jurisdictions. The IDA's are established under the NY State General Municipal Law and the Public Authorities Law to foster economic development in specific localities. The State has empowered local IDAs to facilitate/induce economic development and job creation with incentives that help make development opportunities feasible, productive, competitive and successful. Such incentives are necessary to level the playing field when attracting major businesses to the area in a competitive environment. Key factors for attracting businesses are the jobs created and investment in the area.

IDAs, in considering whether or not to induce a project, evaluate the forecasted number of jobs and economic impact resulting from the proposed project. IDA inducement would provide the Applicant with: (1) waivers on sales taxes for construction materials, (2) abatement of mortgage recording taxes, and (3) the opportunity to negotiate a PILOT payment program that would lower revenue payments to local and County government and local schools for a limited period of time compared with property taxes paid without a PILOT program.

The Preferred Alternative Plan provides substantial economic development benefits for the Town of Southeast, Putnam County, and State of New York, as it would create jobs and enhance the vitality of the local business community. The benefits from IDA

inducement are necessary to ensure the project is competitive with other comparable projects and to further ensure the realization of resulting economic development benefits for local, County and State governments. The Applicant would ensure that revenue paid under a PILOT program would exceed the costs of providing governmental services to the project. Additionally, even during the period when revenue would be paid pursuant to a PILOT agreement, the revenue paid on the property would be significantly more than the property currently pays in taxes, as detailed in Response 10-3 within Section III.10 Tax Analysis.

Also, as shown in Table III.C.10-1 and discussed in Response 10-3, the project's property revenue with a PILOT program in place would be such that from 2019 to 2034 (15 years), the project would have cumulatively paid a total of $31,894,781 in revenue. This is approximately 75% of what the project would have paid in fully assessed property taxes without a PILOT program. Thus, even with the PILOT in place, the project would generate substantial revenue to local taxing jurisdictions during the first fifteen years.

Each County or municipal IDA establishes the terms of its own PILOT program. In the case of Putnam County, PILOT programs for projects generally last for ten (10) years and permit the payment of 50% of the assessed value taxation based on local tax rates in the first year after a project is completed and increase the payment percentages to 100% in year eleven. So, the PILOT payments in year one would be expected to be 50% of the equivalent property tax revenue that would be assessed on the improved property but for the PILOT agreement. In year two, the PILOT payments would be 55% of the property tax revenue that would be assessed on the improved property but for the PILOT program. The PILOT process would increase the percent of the equivalent revenue to the assessed value property taxes paid by 5% each year until year eleven when the property would pay 100% of the property taxes based on the full assessed value of the developed project with the PILOT no longer in effect.

Under a PILOT agreement, each taxing jurisdiction (School District, Town, County and Fire Department) would share revenue under the PILOT program in the same ratio as they currently share property taxes from the parcels within the project site. Therefore, each taxing jurisdiction during an IDA inducement period would receive, at minimum, taxes based on assessed value for undeveloped land (which they already receive), and would then benefit from the additional tax revenue generated by phased development of the property, since after construction the property would have increased assessed value.

The project is proposed to have two construction phases – the first for proposed Building A, and the second for proposed Building B. The Applicant intends to seek IDA inducement once there is a tenant for either building. Prior to the completion date of each construction phase for the project and the issuance of Certificates of Occupancy, the Applicant would pay property taxes on the assessed valuation of the property as undeveloped land.

At full operation, as discussed above, the project would generate 551 employees during the main shift. In reality, many warehouse/distribution facility users would have 2nd and 3rd shifts, which could substantially increase the total employment generated by the facility, which the Applicant estimates as approximately 1,040. The work shifts are anticipated to be 7:00 AM – 3:00 PM, 3:00 PM – 11:00 PM and 11:00 PM – 7:00 AM. The second shift is anticipated to have up to approximately 338 employees and the third shift up to 151 employees. Within the industry, the majority of commercial activity occurs during the traditional business day. During the third (night) shift, the activity is limited to in-building cleaning, maintenance, repair and restocking activity much like a grocery store prepares for the next business day. The Town intends to require as conditions of Special Permit and Site Plan Approval that no trucks access the site between the hours of 11:00 PM to 7:00 AM Monday through Saturday, and on Sunday trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM. The third shift employees would therefore not be attending to truck deliveries and pick-ups. Thus, the estimate of 551 jobs should be

viewed as conservative. In addition, 115 jobs are estimated to be generated indirectly and 78 locally induced jobs are also projected.

During the construction phase, the Applicant estimates that approximately 486 jobs would be added to the local workforce (see Appendix II-1) and approximately $29,260,649 would be paid to these workers. It is estimated that approximately $9,097,570 would be injected into the local economy from other firms conducting business related to the project (indirect economic impacts). The induced output from spin-off effects (i.e. disposable income spending by project workers and workers associated with the project) would result in approximately $14,762,730 of economic activity.

In addition to the 486 construction jobs, approximately 56 indirect jobs would be created. These jobs would be at businesses providing goods and services to the project. Approximately 111 induced jobs would also be created, from businesses benefitting from the secondary spending by the project's construction workers.

The Preferred Alternative Plan would, therefore, provide significant economic benefits to the Town and County.

Table III.C.10-1 below details the estimated PILOT payments for each phase of the project and compares these payments to the projected tax revenue should the property remain undeveloped.

Each phase in the first two charts represents the construction of one of the two buildings, with the first building coming online by 2022 and the second in 2023. The chart for Phase II is independent of Phase I. The last chart, the "Entire Project", summarizes the estimated PILOT revenue payments compared to the property taxes that would be paid should the property remain undeveloped.

As shown in the Phase I section of the table, during the construction period (through

2021) the Applicant would continue to pay property taxes on the undeveloped land. Then in 2022, when the first building is projected to receive its Certificate of Occupancy (CO), the PILOT payments would go into effect. With the PILOT in place, revenue to the various taxing jurisdictions is anticipated to rise to a total of $332,871 in the first year, a significant increase over the predevelopment property tax payments of $151,530. PILOT payments would rise significantly to $1,006,692 in 2023 when both buildings are projected to have their CO. This PILOT payment represents a discount of $903,488 from the projected property tax revenue of two fully developed buildings, but an increase in revenue of $852,131 were the properties to remain undeveloped.

The bottom of Table III.C.10-1 presents a cumulative comparison of projected property tax revenue versus PILOT payments. From 2019 to 2034 (15 years), with the PILOT program in place, the project is projected to generate a total of $31,894,781 in revenue for the various taxing jurisdictions. This is $29,233,271 more than the property taxes that would be generated on undeveloped land during the same time period.

Table III.C.10-1 PILOT Payment and Property Tax Analysis

Phase I

Sq. Ft.				**303,100**			
% of Total				**32.48%**			
	1st Half	2nd Half			Full		**Total**
Year	School	School	Town	County	Total	Pilot	**After Pilot**
2019	$18,391	$18,759	$3,716	$5,517	$46,383	$0	**$46,383**
2020	$18,759	$19,134	$3,790	$5,627	$47,310	$0	**$47,310**
2021	$19,134	$19,517	$3,866	$5,740	$48,257	$0	**$48,257**
2022*	$19,517	**$402,496**	$3,943	$5,854	$431,811	($201,248)	**$230,563**
2023	$402,496	$410,546	$84,023	$97,575	$994,639	($476,792)	**$517,847**
2024	$410,546	$418,757	$85,703	$99,526	$1,014,532	($435,602)	**$578,930**
2025	$418,757	$427,132	$87,417	$101,517	$1,034,823	($392,572)	**$642,250**
2026	$427,132	$435,675	$89,166	$103,547	$1,055,519	($347,648)	**$707,871**
2027	$435,675	$444,388	$90,949	$105,618	$1,076,629	($300,769)	**$775,860**
2028	$444,388	$453,276	$92,768	$107,730	$1,098,162	($251,877)	**$846,285**
2029	$453,276	$462,341	$94,623	$109,885	$1,120,125	($200,908)	**$919,217**
2030	$462,341	$471,588	$96,516	$112,083	$1,142,528	($147,800)	**$994,728**
2031	$471,588	$481,020	$98,446	$114,324	$1,165,378	($92,487)	**$1,072,892**
2032	$481,020	$490,640	$100,415	$116,611	$1,188,686	($34,902)	**$1,153,784**
2033	$490,640	$500,453	$102,423	$118,943	$1,212,460	$0	**$1,212,460**
2034	$500,453	$510,462	$104,472	$121,322	$1,236,709	$0	**$1,236,709**
Total					**$13,913,951**	**($2,882,605)**	**$11,031,345**

Phase II

Sq. Ft.				**630,000**			
% of Total				**67.52%**			
	1st Half	2nd Half			Full		**Total**
Year	School	School	Town	County	Total	PILOT	**After PILOT**
2019	$38,226	$38,991	$7,724	$11,467	$96,408	$0	**$96,408**
2020	$38,991	$39,771	$7,878	$11,696	$98,336	$0	**$98,336**
2021	$39,771	$40,566	$8,036	$11,930	$100,302	$0	**$100,302**
2022	$40,566	$41,377	$8,196	$12,169	$102,308	$0	**$102,308**
2023*	$41,377	**$853,391**	$8,360	$12,412	$915,541	($426,695)	**$488,845**
2024	$853,391	$870,459	$178,149	$206,883	$2,108,881	($1,010,918)	**$1,097,964**
2025	$870,459	$887,868	$181,712	$211,020	$2,151,059	($923,583)	**$1,227,476**
2026	$887,868	$905,625	$185,346	$215,241	$2,194,080	($832,351)	**$1,361,729**
2027	$905,625	$923,738	$189,053	$219,546	$2,237,962	($737,100)	**$1,500,862**
2028	$923,738	$942,213	$192,834	$223,936	$2,282,721	($637,706)	**$1,645,015**
2029	$942,213	$961,057	$196,691	$228,415	$2,328,375	($534,041)	**$1,794,334**
2030	$961,057	$980,278	$200,625	$232,983	$2,374,943	($425,975)	**$1,948,968**
2031	$980,278	$999,884	$204,637	$237,643	$2,422,442	($313,372)	**$2,109,070**
2032	$999,884	$1,019,881	$208,730	$242,396	$2,470,891	($196,095)	**$2,274,796**
2033	$1,019,881	$1,040,279	$212,904	$247,244	$2,520,308	($74,001)	**$2,446,307**
2034	$1,040,279	$1,061,084	$217,163	$252,189	$2,570,715	$0	**$2,570,715**
Total					**$26,975,272**	**($6,111,837)**	**$20,863,435**

Entire Project

Sq. Ft.			**933,100**		
% of Total			**100.00%**		
Year	Full Total	PILOT	**Total After PILOT**	**Existing R.E. Taxes**	**D**
2019	$142,790	$0	**$142,790**	**$142,790**	$0
2020	$145,646	$0	**$145,646**	**$145,646**	$0
2021	$148,559	$0	**$148,559**	**$148,559**	$0
2022	$534,119	($201,248)	**$332,871**	**$151,530**	$181,341
2023	$1,910,180	($903,488)	**$1,006,692**	**$154,561**	$852,131
2024	$3,123,413	($1,446,519)	**$1,676,894**	**$157,652**	$1,519,242
2025	$3,185,882	($1,316,156)	**$1,869,726**	**$160,805**	$1,708,921
2026	$3,249,599	($1,179,999)	**$2,069,601**	**$164,021**	$1,905,579
2027	$3,314,591	($1,037,869)	**$2,276,722**	**$167,302**	$2,109,420
2028	$3,380,883	($889,582)	**$2,491,301**	**$170,648**	$2,320,653
2029	$3,448,501	($734,949)	**$2,713,552**	**$174,061**	$2,539,491
2030	$3,517,471	($573,774)	**$2,943,696**	**$177,542**	$2,766,154
2031	$3,587,820	($405,859)	**$3,181,961**	**$181,093**	$3,000,869
2032	$3,659,577	($230,997)	**$3,428,579**	**$184,715**	$3,243,865
2033	$3,732,768	($74,001)	**$3,658,767**	**$188,409**	$3,470,358
2034	$3,807,423	$0	**$3,807,423**	**$192,177**	$3,615,247
Total	**$40,889,223**	**($8,994,442)**	**$31,894,781**	**$2,661,509**	**$29,233,271**

* Assumes Building A is at full assessment value in 2022 and Building B in 2023.

D=Difference

To arrive at the submitted PILOT structure, each phase of the project was appraised as if it were hypothetically completed as of the July 1, 2017 valuation date for the 2018 Assessment Year. This would affect real estate taxes for the 2019 Town and County fiscal years and the 2018/19 School Year. The total 2018 effective tax rate was 3.65% of a property's market value (assuming equitable assessment). The total 2018 effective tax rate is broken down as follows:

Brewster School District	2.97%
Town of Southeast	0.31%
Putnam County	0.36%
Total Effective Tax Rate	3.65%

The concluded appraised market value (assuming equitable assessment) for each of the two phases was multiplied by these rates to arrive at the amount of real estate tax the property would be obligated to pay to each taxing authority. The resulting tax responsibility was then trended forward at 2% per year. *The schedule below does not take into consideration any projected appreciation of the subject's market value, only the trending 2% annual change in the tax rate. Any appreciation of market value would increase the amount of taxes depicted below.*

Phase I Real Estate Taxes to Be Paid

School	2.97%	Town	0.31%	County	0.36%
2018/19	$743,688	2019	$77,624	2019	$90,144
2019/20	$758,562	2020	$79,176	2020	$91,947
2020/21	$773,733	2021	$80,760	2021	$93,786
2021/22	$789,208	2022	$82,375	2022	$95,662
2022/23	$804,992	2023	$84,023	2023	$97,575
2023/24	$821,092	2024	$85,703	2024	$99,526
2024/25	$837,513	2025	$87,417	2025	$101,517
2025/26	$854,264	2026	$89,166	2026	$103,547
2026/27	$871,349	2027	$90,949	2027	$105,618
2027/28	$888,776	2028	$92,768	2028	$107,730
2028/29	$906,552	2029	$94,623	2029	$109,885
2029/30	$924,683	2030	$96,516	2030	$112,083
2030/31	$943,176	2031	$98,446	2031	$114,324
2031/32	$962,040	2032	$100,415	2032	$116,611

Phase I & II Combined Real Estate Taxes to Be Paid

School	2.97%	Town	0.31%	County	0.36%
2018/19	$1,545,885	2019	$161,355	2019	$187,380
2019/20	$1,576,803	2020	$164,582	2020	$191,128
2020/21	$1,608,339	2021	$167,874	2021	$194,950
2021/22	$1,640,506	2022	$171,231	2022	$198,849
2022/23	$1,673,316	2023	$174,656	2023	$202,826
2023/24	$1,706,782	2024	$178,149	2024	$206,883
2024/25	$1,740,918	2025	$181,712	2025	$211,020
2025/26	$1,775,736	2026	$185,346	2026	$215,241
2026/27	$1,811,251	2027	$189,053	2027	$219,546
2027/28	$1,847,476	2028	$192,834	2028	$223,936
2028/29	$1,884,425	2029	$196,691	2029	$228,415
2029/30	$1,922,114	2030	$200,625	2030	$232,983
2030/31.	$1,960,556	2031	$204,637	2031	$237,643
2031/32	$1,999,767	2032	$208,730	2032	$242,396

The projected cumulative value of IDA inducement for the Preferred Alternative is a total of $10,996,942. IDA inducement is comprised of three different potential benefits: (1) sales tax exemption, (2) mortgage recording tax reduction, and (3) a PILOT. For the Preferred Alternative, the value of each of these benefits is projected to be approximately $1,842,500 in sales tax exemption for construction items purchased during construction, $160,000 mortgage recording tax reduction, and $8,994,442 in property tax exemption. Construction materials for the project are estimated to total approximately $22,000,000. IDA inducement would allow for a sales tax exemption on items purchased for construction during the construction period. Sales tax in Putnam County is 8.375%. Thus, exempting sales tax from the $22 million in construction materials leads to an overall savings of $1,842,500. IDA inducement also allows for a reduction in the mortgage recording tax, from 1.05% to 0.85%, a difference of 0.2%. The Applicant anticipates an approximately $80,000,000 construction loan. The 0.2% would lead to a savings of $160,000.

Comment No. 10-4

The inputs used for the IMPLAN modeling should be more clearly identified and described. It appears that project construction costs are used as inputs to model impacts for the construction phase and that the applicant's job and related wage estimates are the basis for modeling operational impacts. However, this is not clearly explained in text or tables. Additionally, the reasoning and sources used to develop inputs should be outlined and explained. For the construction cost estimate, please clarify if this is for hard costs, soft costs, or both.
(B-1, AKRF)

Response No. 10-4

The input used to evaluate the construction phase in the IMPLAN model for the DEIS Plan was the total construction cost to develop the proposed project (DEIS Appendix H-2). The Economic Impact Analysis has subsequently been revised to reflect the

construction cost to develop the Preferred Alternative Plan (Appendix 10-1), and the IMPLAN numbers discussed in the FEIS have been adjusted accordingly. The total construction cost used in the IMPLAN model includes only hard costs. The total construction costs were provided by the project Applicant and its development professionals. The project engineer (JMC) prepared a comprehensive estimate of site work costs which are approximately $22,500,000 (this does not include the cost of building construction and off-site work for roadway-related improvements). The general contractors prepared cost estimates for construction of the two buildings at approximately $45/sf or $42,300,000 000 (which, again, does not include the cost of off-site work for roadway-related improvements). The estimate purposefully did not include tenant improvements, which are tenant dependent.

To be conservative, the input used to analyze the operations phase of the development in the IMPLAN model for the DEIS Plan was the total anticipated jobs to be created at full build-out of the facility. The DEIS estimated 665 jobs on the main shift. The jobs of the DEIS were calculated based on the square footage of the proposed buildings (approximately 0.59 employees per 1,000 square feet for the main shift) using Energy Star Space Use Information for warehouses, which is published by the federal government.

To be conservative, the input used in the IMPLAN model for the DEIS only included the 665 jobs associated with the main shift. In reality, many warehouse/distribution facilities would have 2nd and 3rd shifts, which could substantially increase the total employment generated by the facility. Pursuant to the Energystar Space Use Information calculation, the FEIS Preferred Alternative Plan would yield 551 jobs during the main shift. This is less than the DEIS number because the total building size has been reduced from 1,124,575 s.f. of the DEIS Plan to 933,100 s.f. for the Preferred Alternative Plan. However, this estimate is conservative as it does not account for a 2nd or 3rd shift, which is anticipated. The Applicant estimates that total employment for the Preferred Alternative Plan over the three shifts as approximately 1,040.

Comment No. 10-5 and Comment No. 10-6

The level of reliability of IMPLAN modeling at the zip code level should be noted. The data IMPLAN uses at the zip code level is an estimation based on County Business Patterns (CBP) data. CBP zip code data only provides the number of firms, thus IMPLAN estimates the number of employees associated with each firm. Additionally, CBP data does not cover the Construction Industry at the zip code level and instead uses NAICS 22- Utilities as a proxy.
(B-1, AKRF)

IMPLAN warns that when using zip code-level data, much of the total economic impact may be lost due to leakage. The geography of Putnam County may have been a more prudent geography to use especially as this tax analysis involves Putnam County taxes.
(B-1, AKRF)

Response No. 10-5 and 10-6

As an alternative to the zip code level analysis as noted in this comment, an IMPLAN model was also developed for the entire Putnam County level. The results are summarized below.

Construction Phase

According to the project sponsor, the estimated construction cost for the proposed development is approximately $69.8 million in hard costs, comprised of $22.5 -million for site work, $5 million for off-site work, and $42.3 million for building construction.

As shown in Table III.10-2, it is estimated that during the construction phase approximately 486 local construction jobs would be created. Approximately $29,260,649 would be paid to these construction workers. It is estimated that approximately $9,097,570 would be indirectly injected into the local economy from other firms conducting business related to the project, such as material suppliers and other outside vendors providing goods and services for the construction of the

project. The induced output from spin-off effects (i.e., disposable income spent by construction workers and workers associated with the construction of the project) would result in approximately $14,762,730 of economic activity.

In addition to the 486 construction jobs, approximately 56 indirect jobs would be created at businesses providing goods and services to the project. Approximately 111 induced jobs would also be created, from businesses benefitting from the secondary spending by the project's construction workers.

Direct, indirect, induced, and total economic impacts are defined as follows:

Direct Impacts: Direct impacts represent the initial change in the industry in question (in the industry itself). For example, the direct impacts include the number of people employed by various tenants within the proposed warehouse/distribution facility.

Indirect Impacts: Indirect impacts are changes in inter-industry transactions when supplying industries respond to increased demands from the directly affected industries. Essentially, indirect impacts measure the impacts of enterprises that conduct business with the industry in question. For example, the indirect impacts for the proposed warehouse/distribution facility would include additional jobs created at other warehouse/distribution establishments that move goods to and from the proposed facility.

Induced Impacts: Induced impacts reflect changes in local spending that result from income changes in the directly and indirectly affected industry sectors. These are impacts resulting from expenditures from wages earned by workers associated with the industry directly or indirectly. In this example, induced impacts would include additional spending at local businesses from households directly employed by the warehouse/distribution facility (i.e., wage expenditures).

Total Impacts: Total impacts represent a combined total of the direct, indirect and

induced impacts.

Table III.C.10-2

Summary of Economic Impacts - Construction Phase

	Direct Effect	Indirect Effect	Induced Effect	Totals
OUTPUT	$64,800,000	$9,097,570	$14,762,730	$88,660,300
LABOR WAGES	$29,260,649	$2,857,402	$4,425,160	$36,543,211
JOBS	486	56	111	653

Operations Phase

According to the project sponsor, the Commercial Campus at Fields Corner is expected to create approximately 551 permanent day-shift jobs when fully operational. Again, as explained in Response to Comment No. 10-4, the 551 jobs are conservative because it does not account for the anticipated 2nd and 3rd shifts. The following describes the operations phase annual impacts, and Table III.10-3 summarizes this narrative.

Based on the Economic Impact Analysis (Appendix 10-1), at full operation, it is anticipated that the Preferred Alternative would result in a direct economic output of approximately $49,603,826 per year. There would be $18,970,664 in wages paid to the project's 551 employees and $13,501,940 of annual indirect output associated with firms conducting business (goods and services) with the tenants of the project. It is estimated that approximately $10,420,991 would be injected into the local economy from induced impacts (i.e., secondary spending by employees and businesses associated with the project). In addition, 115 jobs are estimated to be generated indirectly and 78 locally induced jobs are also projected, which would result in additional wages.

Table III.C.10-3

Summary of Economic Impacts - Operations Phase

	Direct Effect	Indirect Effect	Induced Effect	Totals
OUTPUT	$49,603,826	$13,501,940	$10,420,991	$73,526,757
LABOR WAGES	$18,970,664	$3,793,802	$3,123,981	$25,888,447
JOBS	551	115	79	744

Comment No. 10-7

The rationale for the jobs estimate of 665 jobs (page III.H-18) during the operations phase provided by the Applicant should be detailed. Compare this estimate to known and accepted industry estimates for jobs per square foot.
(B-1, AKRF)

Yeah. A high-cube facility is highly automated, and they actually don't have many jobs. So that - - the jobs that we're having stated, just how many of those jobs would not exist with a high-cube facility? Okay.
(B-2, PH #1, Ms. Woodgate)

I was fascinated by the job creation. And the reason why I was fascinated by the job creation was because I happened to look at the educational attainment levels of the people here in Putnam County. Well, we should all congratulate ourselves, because at least 50 percent of us are either college or post-college, and then a very few of us have high school, and even a minimal, minimal number do not have high school. And in your own DEIS, you mentioned that these are low-skilled jobs.

Now, I was wondering, with my postgraduate degree, would I be interested in jobs that pay $15 an hour at the most?

So here we have - - not only have we the highest degree, but we have the highest of salary

levels.
(B-2, PH #1, Ms. Fanizzi)

You state a number of jobs are going to be created. Did you include the impact of technology on those jobs?

What would be the impact on those jobs, and are those jobs correct?
(B-3, PH #2, Mr. Carlos)

As to employees the estimate is 665. But one has to wonder if that is an over estimate as there is much automation today.
(B-20, Michele Carlson)

Facilities such as these are increasingly relying on robotics over human labor which could mean a significant decline in available jobs and such a facility in the very near future.
(B-104, Nathalie Del Vecchio and Roberto Molina)

You claim > 600 onsite jobs will be created by this project. Can you confirm if that figure is based off of square footage of the buildings? If so, also provide comps to similar operations and their employment figures. (# of employees, broken out by full and part time as well as average salary).
(B-158, Eric Larca)

<u>Response No. 10-7</u>

The 551 jobs of the FEIS Preferred Alternative Plan was calculated based on the square footage of the proposed buildings (approximately 0.59 employees per 1,000 square feet for the main shift) using Energystar Space Use Information for warehouses, which is published by the federal government. It should be emphasized that the estimate of 551 jobs reflects the total number of employees during the main shift. In reality, many warehouse/distribution facility users would have 2nd and 3rd shifts, which would

substantially increase the total employment generated by the facility. The Applicant estimates that the Preferred Alternative Plan may actually result in 1,040 jobs over three (3) shifts. Thus, the estimate of 551 jobs should be viewed as conservative. Comparators are not possible to find because the proposed project has no specific tenants yet.

It is possible that certain tenants would integrate automation systems. However, automation does not necessarily lead to fewer jobs. It is anticipated that as warehouse/distribution facilities become more technologically sophisticated, the operational and maintenance jobs will become more skilled. Automated facilities generally include higher paying jobs, which require degrees in higher education, such as robotics maintenance mechanics, process software engineers, and similarly skilled positions. At the same time, there may also be lower skill jobs, such as packers, who complement the automated system. Current data indicates that jobs in warehouse/distribution facilities, even in facilities that are highly automated, typically fall within the range of $17 to $40 per hour, reflecting the range of job types and skill levels.

The use of automation in warehouses has been commonplace since the last quarter of the 21st century. The implementation of technology and automation is driven by higher performance and a favorable cost-benefit analysis. The job counts used in this FEIS are provided by national averages in warehouse/distribution facilities that have undoubtedly included both facilities that are manual and facilities that are highly mechanized.

Even with automation, warehouse/distribution facilities would still need significant staffing, including employees to operate machines, input data, program, and maintain the equipment. The supply chain is rapidly evolving from the manufacturer-to-distributor-to-retail outlet-to the consumer to a direct ship model that bypasses traditional in-store retail. This evolution has brought new technologies and new jobs

to the supply chain and spawned new carriers in warehouse/distribution facility science.

Comment No. 10-8

When discussing the median wages for the types of jobs the proposed development is projected to create on page III.H-19, please compare these wages to median incomes in the Town of Southeast and/or Putnam County to provide context.
(B-1, AKRF)

Not for nothing, think about this for a second: With the executive position at the warehouse, you're talking $40,000 a year. I don't know very many people who can survive and support a family on $40,000 a year in Putnam County, in Southeast.
(B-3, PH #2, Mr. Lubra)

A $40,000 a year average income, you can't live in Putnam County. You can't live in Southeast. So all that - - (indiscernible) - - talk about staying in the community. It's going to Danbury or it's going up the line into Dutchess.
(B-3, PH #2, Mr. Lubra)

We're not even talking about social services, because now you have people coming in here who are well under the average - - the mean income of Putnam County, which I believe is somewheres around 80,000. And you're talking providing a salary of 40,000.
(B-3, PH #2, Mr. Lubra)

The projected (not even assured) jobs aren't particularly well-paying.
(B-15, Helen Evers)

Jobs: *NIL documented the majority of the jobs it will bring to Southeast will only be paying $15 an hour and are low skilled jobs. Will $15 an hour or $35,000 a year support the*

lifestyle of a resident of Southeast?
(B-64, Samantha Jacobs)

And most jobs it provides will be low wage, paying about $35,000 a year, which cannot support Southeast homeowners.
(B-68, KK Dorkin)

Low-wage jobs
(B-70, Helen Dorkin)

But our unemployment rate is lower than the National average. 90 plus percent of inhabitants have high school or higher degrees, the low income jobs are not something our area needs (by the way Rite Aid and Tops are hiring). Along with this our median income is a third higher than other places in NY and our houses 70K more expensive. Not exactly the environment for low income employees.
(B-76, Jackie Kaddatz)

As to the claim it will bring over 600 jobs. Those warehouse jobs will most likely be part time and even full time do not pay a salary to live here. Employees will be out of town.
(B-85, Christine Capuano)

The developer claims that the project will add jobs. However, the number of jobs long term is 665. We know that robotics will do most of the heavy lifting in this project leaving the jobs at minimum wage?
(B-89, Challen Armstrong)

The jobs provided by the proposed facility are not guaranteed to pay a living wage, and would not necessarily benefit local residents with regard to cost of living in the area.
(B-104, Nathalie Del Vecchio and Roberto Molina)

There will be jobs, yes, but mostly low paying jobs.
(B-114, Juliet Aguiar)

What benefit does this development accrue to the well being of the families of our town? How does Northeast Logistics with their worker pool of low wage, low skill employment, often part time without benefits, fit into a demographic of highly skilled, highly educated residents, 75% of which must commute to Westchester, New York, and Connecticut to find employment that matches their skill set. How does a salary of $12-15 an hour sustain one of the highest property and school tax rates and housing prices in the State?
(B-117, Ann Fanizzi)

They say it will bring jobs to the area but they are low paying jobs and over 90% of employees will be from out-of-town.
(B-126, Stephen McPartland)

Please do not green light a plan that does not significantly help our community with significant and well paid jobs.
(B-139, Tonia Olsoe-Rubeo)

Response No. 10-8

Data shows that warehouse/distribution facilities provide a wide range of full-time job opportunities for various skills and compensation levels, which fall well within or are above the current median earnings for Southeast residents. The median earnings per worker according to census data[3] is $62,862. Typical warehouse jobs would have a salary range based on hourly rates of approximately $36,000 to $83,000 per year before overtime bonuses, etc. The national average for warehouse/distribution facility managers is in the $100,000-$110,000 range and with larger facilities, the national

[3] At https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF

average for warehouse/distribution directors is in the $120,000-$130,000 range. The jobs also include benefits and two weeks of vacation. Clerks and warehouse workers are on the lower end of the salary scale. Forklift operators, material handlers and machine operators are in the middle range of the salary scale. Supervisors and directors are within the higher end of the salary scale. An article in the online Multichannel Merchant, dated September 6, 2018[4], notes that hourly wages for warehouse workers rose 6.7% in 2018, "driven by a strong economy as well as the scarcity of labor for operations and fulfillment positions." The article indicates a "changed landscape" for the industry because wages had not risen significantly for a number of years.

As noted above, the median earnings of workers residing in the Town of Southeast are $62,862. Approximately 40% of the Southeast workforce earn salaries in the $20,000-$50,000 range annually, suggesting that many of the new jobs created by the Preferred Alternative fall well within the local median income and thus may be attractive alternatives for local employment. Also, with approximately 16% of the Southeast workforce working in town, there may be incentive for local residents to find comparable work and income in town and potentially improve quality of life by reducing the cost and time associated with commuting (which averages 36 minutes).

Only 23.9% of Southeast households have a single wage earner, with the median earnings of workers residing in the Town of Southeast of $62,862. The median household income in Southeast is $95,222, indicating that most households are two-income.

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[4] At https://multichannelmerchant.com/operations/hourly-wages-for-warehouse-workers-rise-6-7-in-2018/

Comment No. 10-9

The FEIS should clarify when discussing total, direct, indirect, and induced economic impacts. (B-1, AKRF)

Response No. 10-9

Comment noted. The definitions of these terms are provided in Response 10-5 and 10-6.

Comment No. 10-10

The presumed input of construction costs is incorrectly listed as a direct output in Table III.H-5.
(B-1, AKRF)

Response No. 10-10

Table III.H-5 of the DEIS contains the correct data for construction costs, which is a direct impact. Direct impacts are derived from short-term business activity by the proposed project, such as construction. This includes money spent to pay for salaries, raw materials, and operating expenses.

Comment No. 10-11

There is a discrepancy between the text and Table III H-5. The text indicates that there are 150 indirect jobs and 69 induced jobs; while Table III H-5 indicates that there are 68 indirect jobs and 150 induced jobs. It is unclear if the table or the text is correct.
(B-1, AKRF)

Response No. 10-11

Table III.H-5 in the DEIS is correct. There is a typo in the supporting text.

Comment No. 10-12

The chapter also mentions that the development will be "phased" (page H III-2, second paragraph). The chapter should provide an indication of the development timeframe and when impacts will be realized.
(B-1, AKRF)

Response No. 10-12

Two development phases are anticipated, with each phase consisting of the construction of one of the two buildings along with its associated site work. One new building is anticipated to come online by 2022 and the other in 2023.

Off-site improvements would commence with the start of Phase 1 and be completed by the end of Phase 1. For on-site work, each phase begins with site work for that phase, followed by the construction of the building for that phase. Each development phase is estimated to take eighteen months.

Comment No. 10-13

The sales tax analysis should identify sources and assumptions for sales tax assessment.
(B-1, AKRF)

Response No. 10-13

For the operations phase, the project is estimated to generate approximately

$527,122 in sales tax revenue annually on production and imports. Approximately $7,738 would be generated at the sub-county or municipal level, approximately $229,075 at the county level, and approximately $290,309 at the state level.

The source for these projections is the IMPLAN model, which is based on US Census Bureau Consumer Expenditure Survey and Annual Survey of State and Local Government Finances.

Comment No. 10-14

The question about the PILOT: If it's phased construction, say one building goes up, is the PILOT applied to the assessed value of that building at 50 percent? So is it tiered with the project?
(B-2, PH #1, Mr. Larca)

We're talking about taxes here. And then I read in this review here that says because of the PILOT program, over a ten-year period, this will reduce the property and construction taxes by about one-third. That's pretty much, isn't it? He's talking contributing to the school budget, how they can pay for the school budget for a whole year, blah, blah, blah, but the taxes are going to be reduced over a ten-year period by one-third.
(B-2, PH #1, Ms. Armstrong)

I don't, for a minute, believe we will benefit from taxes. These projects always get huge tax breaks; in this case, for ten years.
(B-3, PH #2, Ms. Croft)

Oh, we will build this warehouse and this warehouse. You're going to take a tax break on your taxes. You know what, we never saw it.
(B-3, PH #2, Ms. Yekutiel)

The proj - - if the project is so profitable, why the need for the PILOT program? It negates

the school tax benefit for ten years and then even for - - out from there.
(B-3, PH #2, Ms. Fay)

The PILOT program, to approve - - and I do think we should know what taxes will be and what they would be and what they will be if a PILOT program is approved.
(B-3, PH #2, Ms. Eckhardt)

The benefits to the town and the project on Year 1 is zero. You stated that it was zero.

I would like to see - - not just for the business case, but can you explore this on a timeline? What does it mean for the town? What does it mean in terms of investments and the benefits on a year by year basis, starting at Year 0, extending to Year 11 of the last building construction?
(B-3, PH #2, Mr. Carlos)

What about the wear and tear on the roads? Since they are applying for the PILOT program, they will be reducing their tax burden for 10 years. Therefore, the tax payers have to come up with the money to fix the damaged roads, which the truck traffic will cause. The roads are in bad shape to begin with, let alone with 500 plus extra trucks a day.
(B-8, Amanda DeHaan)

A tax break is being requested.
(B-15, Helen Evers)

If the developer gives 1% of the school budget towards school taxes it will hardly affect taxpayers. School board will find ways to spend this 1% without reducing taxes.
(B-19, Gail Rampolla)

Seems like it will be a Tax burden too. Who will pay for the wear on our roads, the extra lights that have to go up, the increase law enforcement. I hear they want to apply for the PILOT program that would decrease their taxes by a third.
(B-20, Michele Carlson)

And we all know that our taxes will NOT be lower because of this.
(B-23, Joseph Distefano)

Tax Benefits: Despite the traffic this project will generate on our local roads, law enforcement demands and changes to our overall quality of life, the applicant will apply for a PILOT (Payment in Lieu of Taxes) program. Over a ten-year period this will reduce the property and construction taxes by about one third.
(B-34, Concerned Residents of Southeast)

In fact, the DEIS is very vague on tax numbers and the developer will apply for a PILOT program. It would be helpful to see a breakdown (town, county and school) of how much a full buildout would generate in 2018 tax dollars.
(B-44, John Riley)

Nor will it have any discernible impact on our local property taxes.
(B-51, Cory Blad)

And as far as creating 900 jobs, contributing $110 million in Economic output and tax revenues, it all boils down to the almighty dollar. Someone behind this whole project will benefit no doubt, but to us, as Putnam County residents, we will not.
(B-60, Vincent Stallone)

Taxes: *NIL will get a 10-year tax abatement. Once they start paying taxes in ten years, it will only bring $2,000,000 to the town of Southeast. Our school budget is $98,000,000 -we will never see any tax benefit from this project.*
(B-64, Samantha Jacobs)

The Payment in Lieu of Taxes (PILOT) program will decrease NIL's tax contribution by a third over ten years.
(B-68, KK Dorkin)

The problem is, the taxes never go down, ever.
(B-80, Keith Napolitano & Silvana Napolitano)

This company will be granted lucrative tax breaks and the town won't benefit for at least 10 years. I never received lower taxes as was promised when they built Home Depot or Kohls.
(B-85, Christine Capuano)

The developer offers the tax benefits. Well, the tax benefit will start at $1M and after 10 years grow to $2M. The 2018 School Budget is $98M. Is this project really going to make a difference?
(B-89, Challen Armstrong)

The negative components seem to be the only net result, especially in the next ten years.
(B-96, Bruce Cavaliere)

The 10 Year Deferment on Taxes on the parcel will not mean that residents will incur the expenses that come with heavy demand on the road.
(B-99, Pablo Diaz)

The questionable tax benefits to the county.
(B-103, Donna Shenkman)

There will be a tax abatement given when the owner applies for the PILOT program.
(B-114, Juliet Aguiar)

Additionally, the 10 year tax break kind of defeats the purpose of adding this monstrous development.
(B-116, Barbara Ciero)

Will a paltry $2 million after ten years of sliding scale in lieu of taxes be sufficient in a school budget of over $98 million or the unexplained "direct or indirect" benefits of $90 million?
(B-117, Ann Fanizzi)

It has been proven over and over that no matter how much revenue is generated, taxes never go down.
(B-119, Janis M. Yamuder)

And the tax revenues are not what I would have expected based on deferments and credits.
(B-127, Laurel Kaddatz, DVM)

Taxes which we will never see in our pockets.
(B-134, Jon Scalzitti)

All while not even contributing the paltry amount of taxes the property will generate since the developer is seeking a ten-year deferment under the Pilot program.
(B-136, Lisa Aurello)

or [help] by large tax revenues.
(B-139, Tonia Olsoe-Rubeo)

The always claimed huge tax windfalls to the Town usually never materialize.
(B-142, Steve & Susan Elias)

We seniors in Putnam County may not live out the 10 years to see any tax relief. Please consider us who struggle daily to live in a very expensive area.
(B-143, Susan Rebentisch)

Including a PILOT program cutting Southeast, County and School tax dollars by a third.
(B-147, Lynne Eckardt)

The economic impact was assessed at end state. However, as stated by the applicant the tax benefits realize in full in year eleven after completion of building 4, with no benefits in year one. Also the portrayed economic benefit to the community is not realized in full until building 4 is operational.
(B-154, Carlos Passi)

And the promise of lower taxes which has never happened with Home Depot and Kohl's.
(B-174 Christine Capuano)

Response No. 10-14

Please refer to Responses 10-3 and 10-4 above. Even with the PILOT program in place, the project is projected to generate a total of $31,894,781 in revenue to local taxing jurisdictions from 2019 to 2034 (15 years). This is approximately 75% of what the project would have paid in fully assessed property taxes without a PILOT program.

The development of the property with the Preferred Alternative will increase revenue from the property by a factor of ten in the first year of the PILOT, increasing over time to a factor of 20 times the current undeveloped condition. The PILOT payments are dynamic and would reflect current property appraisals as is the custom in Southeast.

As explained in Response No. 10-2, the 1,040 total employees over 24-hours

generated by the proposed project would incur a total estimated annual municipal service cost of $117,520. The proposed development does not generate any costs for the school district because it does not generate any children.

As also explained in Response to Comment 10-3, the first year of the PILOT would be the 2nd half of 2022 for the Brewster School District's 2022/23 fiscal year. The net positive result would be $181,341 for the first year, increasing as detailed in Table III.10-1 in the column labeled D ("Change").

Since the project is being broken into 2 phases, the last PILOT would terminate in 2033. Based on the projections in Table III.10-1, the real estate obligation for the project would be abated by 22.00%. The taxing districts would realize a net positive real estate tax cash flow of $31,894,781 over the period from January 1, 2019 through December 31, 2034 (the project's first full year at full assessment, meaning without the PILOT, which would have ended).

Kevin Schick, of McGrath & Company, Inc. has appraised the Preferred Alternative, as if it were hypothetically complete as of July 1, 2017 Valuation Date for the 2018 Assessment Year, at a total market value of $77,090,000, which includes both phases of the project. Mr. Schick is a local real estate appraiser specializing in tax certiorari appraisal. Income and expense estimates are based upon comparable properties along the Route 84, Route 287 and Route 17 corridors, all areas that are considered similar and competitive to the property. The base capitalization rate of 5.75% is consistent with rates published by *PricewaterhouseCooper* for institutional-grade warehouse properties.

The value estimate rendered herein is based upon the following definition of Market Value set forth in Title XI of FIRREA, § 323.2 Definitions (g):

"Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer

and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and Seller are typically motivated.

2. Both parties are well informed or well advised, and each is acting in what they consider their own best interest.

3. A reasonable time is allowed for exposure in the open market.

4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto.

5. The price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

Table III.C.10-4

Stabilized Income & Expenses and Capitalization

Southeast - Commercial Campus @ Field Corner

Total Sq Ft: 630,000

Income	Sq. Ft.	%	Total	Per SF
Warehouse/Distribution Space @ Market Rent *(Modified Gross)*	933,100	100%	$10,264,100	$11.00
Potential Gross Income (P.G.I.)			**$10,264,100**	
Less:				
Vacancy/Collection Loss @			($1,026,410)	10.00%
Effective Gross Income			**$9,237,690**	
EXPENSES			**Total**	**Per SF**
Real Estate Taxes			*Incl. in Cap. Rate*	
Insurance			$93,310	$0.10
Repairs & Maintenance			$933,100	$1.00
Professional Fees			$37,300	$0.04
Miscellaneous and Administrative			$93,300	$0.10
Structural Reserves			$326,600	$0.35
Brokerage Commissions @		2.50%	$230,942	$0.25
Management Fees @		3.00%	$277,131	$0.30
Total Before Real Estate Taxes			**$1,991,683**	**$2.13**
Net Operating Income Before Real Estate Taxes			**$7,246,007**	
Capitalization				
Overall Rate			5.75%	
Equalized Tax Rate			3.65%	
Adjusted Overall Rate			**9.40%**	
Capitalized Value, Rd.			**$77,090,000**	
Per Square Foot (933,100± Sq. Ft.)			**$83**	

Indicated Real Estate Tax Obligation

Southeast - Commercial Campus @ Field Corner

Town of Southeast

Opinion of Value - Income Approach (Rd.)	$77,090,000
Per Square Foot (933,100± Sq. Ft.)	$83
Effective Tax Rate	3.65%
Indicated Tax Burden	**$2,813,785**
Per Square Foot (933,100± Sq. Ft.)	**$3.02**

<u>Comment No. 10-15</u>

I can appreciate the jobs. I can appreciate the economic boom, which I still don't know where $90 million is going to come from. I don't think there's enough stores in Southeast to generate $90 million in annual economic output.
(B-2, PH #1, Mr. Esposito)

We're talking about -- you're talking about economic benefit, and you smooth that over by saying $90 million in economic benefit. Well, what the hell does that mean?
(B-2, PH #1, Ms. Armstrong)

So the $91 million of economic impact, and we have 900 additional jobs. If you do the math, it's a 101,000 per job. I don't know where that comes from.
(B-2, PH #1, Mr. Gosselink)

On the economic benefit, you gave us a bottom line number. Can we have the assumptions - - (indiscernible) so we can test if they're realistic or not? Did you give us a bottom line number of 9 million (indiscernible.) I cannot assess or attest to what does that mean, and are those assumptions correct?

(B-3, PH #2, Mr. Carlos)

The developer said that the economic impact on the area will be $91M. Sounds impressive, right? However when asked to explain what this meant the developer offered a "word soup" definition that included: "direct effect, indirect effect, and induced effect." The number was provided by an outside consultant who probably makes its business out of manufacturing these numbers.
(B-89, Challen Armstrong)

Low skill level jobs which will provide little economic growth to the people who live here.
(B-134, Jon Scalzitti)

Response No. 10-15

The IMPLAN software model anticipates a total output of approximately $73.5 million. As explained in Response 10-9, total output includes the direct, indirect, and induced impacts/effects. It represents the annual value of industry production. Approximately $50 million is a direct effect from the operation of the warehouse/distribution facility. Approximately $14 million represent the indirect effects and approximately $10 million represent the induced effects generated by the operation of the facility.

The total economic value, or output, of the facility when operational is not just related to labor wages. Output includes value added plus intermediate expenditures. Value added includes labor wages, taxes on production and imports, and other income related to the use of the property. Intermediate expenditures include all goods and services purchased by tenants as part of the operation of the proposed facility. For a warehouse/distribution facility, these additional intermediate expenditures might include purchases of shipping, supplies, tech support, professional services, etc. made with establishments in Putnam County.

Comment No. 10-16

First and foremost, I've lived in Hunters Glen for ten years, and I'm finally seeing an upside to my investment. And now you're going to put in something that's just going to knock everything that I've worked for and everybody in Hunters Glen has worked for and held on for ten years, since the downturn.
(B-2, PH #1, Ms. Fay)

This project is no good for this town and can only hurt the values of their homes.

What would it do to the real estate values of the people here?
(B-2, PH #1, Mr. Feuerman)

Our property values.
(B-3, PH #2, Mr. Catalino)

We need a calculation as well of the decrease in taxes over the next ten years due to the possible property value decreases to the surrounding communities, including those situated in Carmel, as it affects county taxes. In actuality, the tax rise and benefit projected here on the screen is much longer than what is proposed. What is the tax benefit to the proposed housing complex in comparison to the logistics center?
(B-3, PH #2, Ms. Fay)

Our community at Hunters Glen is not a retirement community. However, there are several retirees. Several of us have put down all of our retirement money to purchase our units. And I have to say, if this - - if this project ever went through, I am certain that we would never get our money back, and it would be a great - - a great loss.
(B-3, PH #2, Ms. Delbianco)

But you can quantify the impact on property values. It's well (indiscernible) - - in the industry that warehouse tend to be detrimental to property values. And the dropping value is the function of the business to the development itself. Other developments are - - present a positive impact to the property values. Can you give us an assessment what the difference is going to be?

Because if you think that the benefits on taxes - - of the school taxes are at least 11 years away, the impact on the property values, therefore, the taxes they will be receiving can be - - more likely will negate all those tax benefits as the growth or the value comes down. By the way, that's only Southeast. That doesn't include the properties in Patterson like mine, or Carmel or Brewster, which will have an impact on the - - (indiscernible.)

(B-3, PH #2, Mr. Carlos)

What is this going to do the value of our homes which isn't great to begin with? Like everyone else, we work for what we have and to have it taken away from us because no one wants to live near this monster project is not fair.
(B-8, Amanda DeHaan)

Property values will decrease in the surrounding area.
(B-21, Nina Walters)

What will be the impact on property values in Southeast.
(B-26, Janet Keyes)

Everything I've worked for, for the security of my senior years is threatened with this proposal for this logistic center.
(B-49, Lori Fava)

In no way will this project increase local property values.
(B-51, Cory Blad)

Home values throughout the entire area will drop, people will move out.
(B-52, Lawrence Martinez)

It will force good people to sell their homes (for less$$) and move.
(B-56, Gina Occhigrossi)

The property value of residents for miles around.
(B-58, Angela Cuomo)

Potentially lowering their property values.
(B-70, Helen Dorkin)

Falling home values.
(B-70, Helen Dorkin)

Speaking of liability, can the Town (and members of the board) be held liable when our housing values plummet due to their proximity to an industrial park?
(B-91, Alan Wendolski)

Property values.
(B-101, Jack Pizzicara)

And our property values.
(B-104, Nathalie Del Vecchio and Roberto Molina)

We anticipate that this will significantly lower the value of our property and resale value of our homes.
(B-107, Twin Brooks Homeowners Association, Inc.)

Our property value diminished if you move forward with this project.
(B-109, Elena Tezzi)

Property value will be negatively effected.
(B-111, Jeff Rusinko)

Decrease the value of our homes.
(B-118, Cherie Ingraham)

Additionally, any tax revenues that could be generated could easily be negated from the loss of property values (loss of quality of life) in the area surrounding the proposed development.
(B-127, Laurel Kaddatz, DVM)

Remember, if our property taxes fall because of this, less revenue for the town.
(B-131, Christine Capuano)

The prices of our homes will be incredibly reduced with this proposal.
(B-134, Jon Scalzitti)

The likely significant impact this will have on the market value of our homes.
(B-135, Alison Yara)

Property values.
(B-138, Michael Catalano)

And which could bring down our homes' values.
(B-139, Tonia Olsoe-Rubeo)

We feel this project is completely oversized for the area and will have permanent and irreversible negative impacts on the quality of home values.
(B-142, Steve & Susan Elias)

The nearby residents of Hunters Glen and Twin Brook Manor, both quiet, immaculate family oriented enclaves, will also bear the brunt of the adverse effects of this project on their property values.
(B-142, Steve & Susan Elias)

Many of these condo owners have invested their life savings. Values will be negatively impacted.
(B-143, Susan Rebentisch)

Not to mention its value.
(B-148, Elena Tezzi)

It is well documented in the industry that warehouse projects are detrimental to the property values of the adjacent communities. This impact was not included in the analysis.

- *What will be the impact to property values in the adjacent communities?*
- *How will this decline translate into reduced property taxes for the town?*

(B-154, Carlos Passi)

The SMALL extra tax income will not offset the number of people who will move out of the area and the amount that the home values will decrease.
(B-165, Claudia Zsevc)

I am also concerned that our property values will drop.
(B-167, Irene DeFelice)

This would also affect the resale value.
(B-169, Stacy Bisio)

The logistics center has the potential to further damage the value of my unit, destroying much of the equity I'm clinging to.
(B-175, Jeffrey Castellano)

Response No. 10-16

In response to public comments, the Applicant evaluated the impact of the nearest comparative warehouse/distribution development, which is the Gap Distribution Center facility in Fishkill at 110 Merritt Boulevard, on residential property values at a nearby residential development. The Gap facility is located within a mile of the Fishkill/Route 9 interchange with I-84 and is approximately 1.5 times larger than the proposed project. According to the Town and Village of Fishkill 2019 Tentative Assessment Roll, the Gap Center has a parcel area of 152.3 acres and a market value of $125,000,000, with the current owner listed as Dutchess County IDA. Total building size is 1,446,397 s.f. or a market value of $86.42/sf. According to an article

in the 09/21/2018 Poughkeepsie Journal[5], the Gap Center has approximately 1,400 full-time employees.

The Gap facility is located in an area of significant commercial development including a Walmart, regional cinema, at least six hotel brands, plus new rental and for sale multi-family (Merritt Park) housing.

Recent sales at the Merritt Park development in the Town of Fishkill, which is in close proximity to the Gap warehouse/distribution facility, were analyzed to determine whether the Gap facility had an impact on residential property values. Merritt Park was constructed by Toll Brothers several years after the opening of the Gap facility, demonstrating that the site remained desirable to a major developer of single-family homes despite its close proximity to a large warehouse/distribution facility. Initial sales by Toll closed quickly after construction of the units, the re-sales at the property over the last approximately 5 years indicate that prices have appreciated 3% per year, which is significantly higher than the average inflation rate during that time period.

Merritt Park's proximity just across Merritt Boulevard (approximately 0.05 miles) to the Gap facility has not caused any decline in real property values, nor has it negatively impacted the ability of owners in that development to realize capital gains on the investments in their homes when re-sold. The same can be expected for the condominium developments and single-family neighborhoods in proximity to the subject site, especially considering the proactive screening measures that the developer of the subject site has planned. These same sorts of measures were not possible with the Gap facility because the Merritt Park residential development was, again, constructed after the Gap.

The Merritt Park condo development is full and the condos have been increasing in value (currently in the $300,000-450,000 range). Despite the fact that all residents

[5] Jack Howland, "Gap to Hire Nearly 1,000 Seasonal Employees at Fishkill Distribution Center," *Poughkeepsie Journal,* September 21, 2018, https://pojonews.co/2DhAp2j (accessed December 13, 2019).

of the Merritt Park development have to drive through the commercial development and Gap facility to get home, the high property values and escalating prices are evidence that the Gap facility had no impact on home values. This is likely because increases and decreases in condo prices are typically more directly related to unit design, maintenance conditions, management fees, assessment history, and other community specific metrics, not surrounding property uses. Nevertheless, the Applicant anticipates based on this analysis that the proposed project, much like the Gap facility, will not impact home values near the property.

Comment No. 10-17

So - - and we have plenty of warehouses around the town empty, because they cannot get the worker, and because they cannot get the drivers. They come and we're going to fail, because they don't have enough drivers.
(B-3, PH #2, Ms. Yekutiel)

Response No. 10-17

According to CBRE Group, Inc., a commercial real estate services and investment firm, the current industrial vacancy in the area is +/-5% and the office vacancy is closer to 18% overall and 25% in the sub-region. Any empty warehouses in Southeast are likely due to location and physical deficiencies, as well as the inability to convert an old warehouse building to meet the needs of modern e-commerce users.

While it is not disputed that there is a national shortage of truck drivers, numerous industry and national economic organizations are working on ways to address this shortage and it is not anticipated to impact the operations of the proposed facility. Vacancies in existing warehouse buildings in Southeast are not related to a lack of drivers.

In addition, truck drivers prefer day routes rather than long hauls that last many days

because they are able to return home each evening. The location of the proposed Commercial Campus at Fields Corner is ideal for day drivers because it provides a one-day shipment radius to major markets like New York, Philadelphia, and Boston. The location of the Commercial Campus at Fields Corner should attract a lot of truck drivers.

Comment No. 10-18

The tax benefits for the schools is tremendous.
(B-3, PH #2, Ms. Miller)

Response No. 10-18

Comment noted.

Comment No. 10-19

I'm for this. I'm for this project. We need business to keep our county from becoming like Westchester County's taxes, so I'm for it.
(B-3, PH #2, Ms. Miller)

I simply wanted to email in my support for this project. I have faith that you will listen to resident concerns and help mitigate the reasonable concerns. Our community desperately needs jobs and the tax income.
(B-31, Sabrina Condon)

Response No. 10-19

Comment noted.

Comment No. 10-20

But what is the annual school budget each year in Southeast? Someone said to me it's about 95 million a year at one point.

And then when you look at a $2 million property tax payment, we're talking - - and that's in ten years. That's not even now. That's not even two percent of your property tax bill relief.
(B-3, PH #2, Ms. Newman)

Regarding the incremental ratables, you know, they're talking about an extra $2 million to the school board. What that might not mean is relief, but it might mean additional services for the kids that might have been cut, whether those particular services were art or music or whatever. So those additional dollars, even with the PILOT, could help those students.

Regarding demands on government services, there is a study that says every dollar collected from residential taxes, local government spends about $1.19, and every dollar collected from commercial industrial government, local governments spend about $0.31. So we believe from talking to them that - - and answering some of your concerns so far that they'll be a good partner.
(B-3, PH #2, Mr. Gates)

As far as the PILOT program is concerned, I'm in favor of the PILOT program. I believe in abatement. I think it encourages business to develop. And if we do not allow this here PILOT program to go forward, many businesses would not succeed in developing their projects. It would just be too costly.
(B-145, Hearing No. 3 (Mr. Gress))

After the ten-year project – I mean, we're talking about probably four phases. After the fourth phase, it might be 30 years from now before we see a completion. And then we have an increase in funds coming into the tax base. It would be money going to the school board with

our schoolchildren. Other than maybe a few employees who might have moved in to the area – but it would be a lot more beneficial to the town than the 150 homes and the tax burden and cost to the school.
(B-145, Hearing No. 3 (Mr. Gress))

Response No. 10-20

According to the Brewster Central School District's website, the budget for the 2018/19 School Year is $98,062,493, of which $74,111,529 is generated by property taxes. Were the property built and operating as of the July 1, 2017 Valuation Date for the 2018/19 School Year, it would be generating $2,813,785 in real estate taxes (excluding any PILOT program payments), of which approximately 81.37%, or $2,289,573, are school taxes. Thus, taxes generated from the project would be approximately 3.09% of the district's budget.

The School District's "Inside Brewster" newsletter, issued prior to the May 21, 2019 school budget vote, notes that "there have been significant additions to commercial properties as well as brand new construction of commercial buildings. These commercial properties will dilute the tax burden of residential properties, shrinking their 'slice of the pie.'" The proposed project would contribute to this trend.

Comment No. 10-21

And if they have more people coming in to work at these - - this warehouse, where are these people going to live? We're going to still have to build housing for them, and there's still going to be more families in the area.
(B-3, PH #2, Ms. Newman)

Response No. 10-21

The majority of employees would likely be live in Putnam County, including Southeast,

so the project is not anticipated to create a substantial need for new housing in Southeast.

Comment No. 10-22

Brian Gates, vice president, Hudson Valley Economic Development Corporation.

We think it will provide good quality jobs, especially for Southeast and Putnam County residents. They laid out the salaries for those jobs. And we think it will - - it will allow residents who already commute to other counties to maybe stay in this area.
(B-3, PH #2, Mr. Gates)

Response No. 10-22

Comment noted.

Comment No. 10-23

There are other ways to lower the school budgets than continued revenue in.
(B-3, PH #2, Ms. Fay)

Response No. 10-23

Comment noted.

Comment No. 10-24

There's no jobs. There's no guarantee that the new jobs presented will come from Putnam County. Most likely, they'll come from Danbury, and then we won't see any tax benefit to that at all.
(B-3, PH #2, Ms. Fay)

Response No. 10-24

While there is no definitive way to guarantee where a tenant would source each and every job, because of the site's location in Southeast it is reasonable to anticipate that many of the jobs would almost certainly source from the Town and County. As noted above, the salaries projected for jobs at the facility are commensurate with the median earnings for Southeast workers, with the additional benefit of reducing the average 35-minute commute that Southeast residents now face getting to work. In any event, the proposed PILOT program payments and subsequently the revenue from standard property taxes alone when the PILOT payment program expires would provide a tax benefit to the Town regardless of where their employees live. See Responses 10-3 and 10-29.

Comment No. 10-25

The PowerPoint had a very interesting headline. It was called "The Economic Development Engine." And the engine was what's to be this warehouse or warehouses. Okay. Well, they had evidence in the DEIS, and the evidence that they presented was a newspaper article from the New York Times, October 22nd, 2017. And that article highlighted not - - not a town like the Town of Southeast, but Bethlehem, Pennsylvania.
Now, we all know what happened to Bethlehem, Pennsylvania, for the last decade or so.

They were a most distressed and depressed area.

And I said, is the Town of Southeast like Bethlehem, Pennsylvania?
(B-3, PH #2, Ms. Fanizzi)

And lastly, in an era of e-commerce, Northeast Logistics utilized a NYTimes article of August 2017 as their poster child advertising the need for such facilities, an article that highlights a depressed, distressed area of the Lehigh Valley in Pennsylvania including the city of Bethlehem,

replete with abandoned manufacturing plants, decrepit housing, littered roads, a population barely attaining high school certification and an unemployment long-term rate outstripping the rest of the country. According to Real Estate Investors, Senior Director, Stewart Rubin, "Once shunned older and somewhat inefficient warehouse properties situated close to or within cities are now in demand as potential Last Mile distribution centers." A footnote explains this description as shallow bay or infill warehouses." Exactly the panorama that greets visitors exiting 19 on IS 84?
(B-117, Ann Fanizzi)

And job are not for our town residents.
(B-119, Janis M. Yamuder)

Response No. 10-25

The Applicant's inclusion of the article in the DEIS was not intended to disrespect the Town. There are clear differences between the Town of Bethlehem, PA, and the Town of Southeast. Rather, the article was meant to illustrate the job generation potential of the proposed warehouse/distribution project, because such facilities are in demand.

Comment No. 10-26

The median income for - - for Bethlehem, Pennsylvania, is $50,000. The income per capita is 25-. The level of education for Bethlehem is about 87 percent are high school graduates. Only about a little over 25 percent are college graduates. So that - - the New York Times tracked this lady over here, who is now working, and in the article, she says, I am so grateful for $14 an hour in salary, because that's what the salaries are in this particular industry.

I was listening to Mr. Richmond give his and he said, Oh, they're 900 jobs. But did he tell us the level of jobs? Did he tell us the salary? Did he tell us that they were part time? Did he tell

us where they were going to come from, these - - these particular jobs?
(B-3, PH #2, Ms. Fanizzi)

Response No. 10-26

See Response No. 10-8 for a summary of the ranges of salaries and jobs. Of the total anticipated jobs, approximately 551 on the peak shift would be directly employed at the warehouse/distribution facility, approximately 115 jobs would result from indirect impacts (e.g., a trucking company benefitting from the operation of the warehouse/distribution facility), and approximately 78 jobs would result from induced effects (e.g., wage expenditures at local shops).

Comment No. 10-27

Everything I've read about the logistics industry prior to even hearing about this was - - I remember reading a long article. I don't know if it was the New York Times - - about how terrible the jobs are, how they're temporary and low paying, and there are no benefits, and how people get injured. They just take - - have to, you know, take a walk. So I'm interested in that.
(B-3, PH #2, Ms. Aurello)

Response No. 10-27

As noted in response to Response 10-8, there would be a variety of quality jobs at the warehouse/distribution facility. Workers at warehouse/distribution facilities generally receive benefits and 2 weeks of vacation. In general e-commerce warehouse/distribution facility jobs pay better than other lower-skilled occupations, such as retail cashiers or restaurant cooks.

Comment No. 10-28

But really, a commercial development will indirectly generate more schoolchildren, unless the employee basis is 100 percent derived from the local area, which I doubt it is. So eventually, employees will relocate here. It's a beautiful town. So I think, at any rate, we're going to grow. (B-3, PH #2, Ms. Aurello)

Response No. 10-28

See Response 10-21. Any employees that move to Southeast would likely move into existing housing that is for sale, and hence not necessarily add any more school children to the school district because they are replacing residents that already live in the Town. If new housing is proposed to be constructed in the Town, then the sponsor for such a project would have to assess such a residential development's impacts on area schools.

Comment No. 10-29

Now, the first is whether such a project would actually employ anyone locally, which there's no way to know; so whether they'd be really paying any taxes, whether those people would spend any money locally. Again, impossible to know. If they don't work in this area, in theory, they'd go back out to 312 and go home to wherever they're from, not spending a dime here. (B-3, PH #2, Ms. Watkins)

Likewise, the number of new jobs is impressive, but these jobs would be primarily filled by low skilled workers who are not local residents. These out-of-town workers would spend their earnings where they live, which would not contribute to our local economy.
(B-152, Bradley Schwartz, Ph.D.)

Response No. 10-29

According to the US Census Bureau's Longitudinal Employer-Household Dynamics data, approximately 39% (9,835) of workers who reside in Putnam County also work at a business establishment located in Putnam County. In the Town of Southeast, approximately 16% (1,215) of total workers who reside in Southeast are employed within the Town. The applicant anticipates a similar percentage (i.e., approximately 39%) of total employees at the proposed warehouse/distribution facility would reside within Putnam County and/or the Town of Southeast.

These workers would make wage expenditures in businesses throughout the County, including in the Town of Southeast. These impacts are factored in the analysis of the induced effects in the IMPLAN model. As noted in response to Response 10-8, there would be a variety of quality jobs at the warehouse/distribution facility.

Comment No. 10-30

And my last point is about property taxes and how they work. If you get $1 million or $2 million, that is not extra money. It's all dependent on what budget has been approved. All it does is theoretically shift the burden.

So it's not that it's going to save school programs or anything like that. That's simply not how property taxes work.
(B-3, PH #2, Ms. Watkins)

Response No. 10-30

As discussed in Response 10-2, the tax payments resulting from the proposed project would not come with a corresponding increase in municipal services for residents. As such, the additional tax payments would potentially have the effect of reducing future

tax increases on individual residents, since the tax base would now be larger.

Comment No. 10-31

How you can give us the assurance that you have the finances to complete the project?

To the town, can we allow this to begin and not be able to complete it? That would be the only thing worse than completing the project.

A little bit annoying, that our tax money will be contributing to the benefit of a different community. But there are (indiscernible) - - but it still gives a big mark on my score-sheet saying that you don't have the funding to go through with the project. What assurances can you give us and give the town that you will be able to complete it?
(B-3, PH #2, Mr. Carlos)

What kind of assurances can be provided that the required funding to complete the project is/will be available?
(B-154, Carlos Passi)

Response No. 10-31

Ownership is appropriately capitalized in order to complete the project.

Comment No. 10-32

One percent of the school budget divided by member - - resident of the Town Southeast, what it will be per household? Any idea? What it going to be, like 150 per year? 200?
(B-3, PH #2, Ms. Yekutiel)

Response No. 10-32

As noted in Responses No. 10-2 and 10-30, the additional taxes come without a corresponding increase in demand for services, including from the school district, and would potentially have the effect of reducing future tax increases, since the tax base would be larger with the project.

According to the Town of Southeast's 2018 Assessment Roll, there are a total of 6,223 tax-paying parcels in the Brewster Central School District. Assuming the project was completed and assessed at full value on the 2018 Assessment Roll, each tax-paying parcel would realize a $452 tax benefit assuming post-PILOT conditions for the proposed project.

Comment No. 10-33

Will the jobs be full-time?
(B-15, Helen Evers)

Response No. 10-33

One hundred percent (100%) of the shift jobs are anticipated to be full time positions. Any part-time positions would be user-specific and depend on seasonality when more workers may be required (Christmas, for example), and also to cover when someone is out on vacation. Also, it is not uncommon that someone would be hired part-time initially, and then after they have proven themselves to be good workers, they would be hired on a full-time basis.

Comment No. 10-34

Will the jobs provide vacation pay and health benefits?
(B-15, Helen Evers)

Response No. 10-34

Warehouse/distribution facility jobs generally include benefits plus 2 paid weeks of vacation, which often increases the longer the worker is employed at the company. The benefits the facilities offer would need to be competitive with the industry.

Comment No. 10-35

Will qualified Southeast residents get priority?
(B-15, Helen Evers)

Response No. 10-35

A likely source of workers is Southeast residents who want a shorter commute, and recent graduates from high school or junior colleges.

Comment No. 10-36

Employees: Possible employment could be 665 people. Compensation will range from $35,000 (the majority) to $110,000 for executive positions. Because warehouses are becoming more automated, these numbers may not to accurate.
(B-34, Concerned Residents of Southeast)

Response No. 10-36

Automation would increase output but not necessarily decrease staff, as discussed in Response 10-7. Even with automation, warehouse/distribution facilities would still need significant staffing, including employees to operate machines, input data, program, and maintain the equipment.

Comment No. 10-37

PLEASE ALLOW THIS WAREHOUSE COMPLEX TO BE BUILT.

I have lived on Maple Drive in Brewster for 34 of my 38 years of life. I have watched the town of Southeast grow and become a busy place to live. I remember the days when route 22 had every building occupied.

Now I drive around the town of Southeast and I see buildings falling in on themselves like the old Dills Best location on Route 22.

I see property where gas stations once stood and now are high grass or just Item #4. I see Dykemens looks like a run down and abandoned.

This town has stood in the way of many projects and the people here stopped many projects that would bring money into the area, jobs, and tax money.

I say again as a person who see the lights from the Home Depot complex every single night as I drive to my house I say ***PLEASE ALLOW THIS WAREHOUSE COMPLEX TO BE BUILT.***
(B-37, Nicholas Ramundo)

Response No. 10-37

Comment noted.

Comment No. 10-38

In addition, after logistics uses up the ten year tax abatement they will be gone.
(B-39, Jane Cypher)

In closing, I would like to state that I think the development should go through. I think of all the possible uses, it has a minimal environmental impact and does supply some jobs, although the pay is pretty low. However, if this development does go through, the town seriously needs to think about what happens when the 10 year PILOT expires. They will most likely pull up and move on, the automation systems they install will be obsolete in ten years anyway. It will be a logical business decision and they will go.
(B-110 Jerry Halter)

Response No. 10-38

The proposed warehouse/distribution facility is being constructed for the long term. The Applicant has absolutely no intent to vacate the facility and premises upon expiration of the PILOT agreement when the property reverts to 100% normal taxation because there is no economic benefit or rationale to support vacating a facility so soon after its construction. In addition, as shown in Table III.C.10-1 and discussed in Response 10-3, the project would make PILOT payments to local taxing jurisdictions such that from 2019 to 2034 (15 years) the project would cumulatively generate a total of $31,894,781 in revenue for the various taxing jurisdictions. This is approximately 75% of what the project would have paid in fully assessed property taxes without a PILOT program. Thus, the project would generate significant revenue for the local taxing jurisdictions before the PILOT expires.

Comment No. 10-39

We have limited emergency services resources here in Putnam County. Longer response times both to calls, and to the hospital will tax them further. This will inevitably lead to the need to expand the programs already in place resulting in higher taxes.
(B-80, Keith Napolitano & Silvana Napolitano)

Response No. 10-39

See Responses 4-48 and 4-61 regarding the impact of the project's traffic on emergency services. Please see Response 11-8 regarding a meeting with Chief DeSantis regarding the impact of the project.

The emergency service providers have not indicated a need to expand their existing programs in response to the project. In addition, please see Response 11-3, which states that there is a conservative potential of approximately a 2% increase in the number of potential calls from the proposed project.

Comment No. 10-40

In light of articles that I've read lately and indications that warehouse automation becomes more and more likely, I would like to know what the employment projections will be if all four warehouses are fully automated (using 2018 standards). While I realize that the degree of automation will vary I would like an estimate using the 'most' automated estimate.
(B-81, Lynne Eckardt)

What are the employment projections if all four warehouses are fully automated (using 2018 standards). While I realize that the degree of automation will vary I would like an estimate using the 'most' automated estimate.
(B-147, Lynne Eckardt)

Response No. 10-40

As discussed in Responses 10-7 and 10-36, automation would increase output but not necessarily decrease staff. Even with automation, warehouse/distribution facilities would still need significant staffing, including employees to operate machines, input data, program, and maintain the equipment.

The extent of automation at the proposed facility is tenant dependent. A tenant with higher automation would have a higher percentage of repair, maintenance staff, and computer staff. In other words, automation would increase output but not necessarily significantly decrease staffing. Examples of automated facility jobs include automated packaging line operator, automated equipment operator, automated inventory control specialist, and software design—warehouse management system developer.

Comment No. 10-41

I would assume that the salaries would change from the original warehouse estimates. If so, could you please provide a range of compensation?
(B-81, Lynne Eckardt)

I have read the specs presented by the attorney for the developer, citing creating 900 jobs during the construction phase and the potential of $2 million of taxes generated. Although these are definite pros, we must be cognizant of the fact that those jobs would be temporary, likely filled by non-residents, and the taxes collected would be over a 10 year period. Why are we not looking at projects which would provide permanent jobs for our residents which could also generate long term tax benefits, such as shops and restaurants?
(B-92, Karen Lynch)

Since the salaries might change from the original warehouse estimates. Could you please provide a range of compensation?
(B-147, Lynne Eckardt)

Response No. 10-41

Please refer to Response Nos. 10-3, 10-8, 10-33, and 10-40.

As the facilities become more sophisticated and use more technology, operational and maintenance jobs become more skilled. Today, hourly jobs in these facilities are advertised in the $17/hr.-$40/hr. range.

Comment No. 10-42

The facility is projected to generate a mere $2 million worth of tax revenue over ten years. An approximation of property taxes generated by residences allowed under the current zoning laws would exceed that amount in half the time and be a sustained and reliable source of revenue. This tax revenue would cover any increased needs caused by an increased number of residents.
(B-104, Nathalie Del Vecchio and Roberto Molina)

Response No. 10-42

As discussed in Response 10-14, with the PILOT program in place, it is projected that from 2019 to 2034 (15 years) the property with the Preferred Alternative will cumulatively pay a total of $31,894,781 in revenue, or almost 16 times the real estate tax amount stated in the above comment and approximately 75% of what the project would have paid in fully assessed property taxes without a PILOT program. This is also $29,233,271 more than the cumulative property taxes that would be paid if the property were to remain undeveloped.

If the developer chose to build the previously approved 143 single-family homes at the property, the average value of each home would be roughly $600,000, which exceeds the 2017 median home value in the Town by approximately 74%. Residential property would pay taxes based on the homestead effective tax rate, which is currently 2.70%.

This would lead to a total assessment (which is the same as the market value) of $85,800,000 for the residential development. This would generate $2,316,600 per year in real estate taxes, of which approximately $1,853,280 would go to the School District. However, unlike the proposed project, which would generate no children, this residential development would increase enrollment at Brewster Central Schools by approximately 125 students, assuming 4-bedroom single-family detached homes having a school-age child in public school demographic factor of 0.87[6], or approximately 125 students.

According to the NYS Education Department website[7], the Brewster Central School District for the 2015-16 school year, which is the most recent year data is available, has an expenditure per student of $26,636. Thus, the annual estimated cost to the school district would be $3,329,500, or $1,012,900 more than the residential development would generate in school taxes.

Comment No. 10-43

As it turns out, the business generated is not one that would increase revenues for local businesses.
(B-127, Laurel Kaddatz, DVM)

Response No. 10-43

Local businesses would benefit from wage expenditures and spin-off economic effects from the operations of the warehouse/distribution facility, including from the newly created jobs.

See Response Nos. 10-29 and 10-15.

[6] "Residential Demographic Multipliers, Estimates of the Occupants of New Housing" by Rutgers University, Center for Urban Policy Research, dated June 2006; New York: School-Age Children in Public School, Single-Family Detached 4 BR, more than $329,500 market value.
[7] See https://data.nysed.gov/fiscal.php?year=2016&instid=800000039691

Comment No. 10-44

These costs (traffic, air pollution) are far from offset by any tax benefit that will be generated.

Response No. 10-44

With regard to traffic, widening Route 312 from two to four lanes the entire distance between Pugsley Road and the I-84 Eastbound ramps/Independent Way, installing a traffic signal at the intersection Route 312 and Pugsley Road, and NYSDOT's proposed improvements to the signalized intersections of Route 312, I-84 and Independence Way, would improve operating conditions in the area. In addition, to further improve operating conditions at the intersection of Route 312 and Pugsley Road, the Applicant has proposed to provide three approach lanes (rather than 2) at the proposed signalized T intersection at Pugsley, with dual left turns and a single right turn lane.

The traffic study indicates that without the proposed project delays are projected at the Route 312/Route 6 intersection for left turns onto Route 312 from Route 6 and right turns onto Route 6 from Route 312. If Crossroads 312 is not constructed when the subject property is developed, the Applicant would coordinate with NYSDOT to improve the signal timing and minimize the delays for those movements by providing a higher percentage of the signal cycle to the Route 6 eastbound/ Route 312 right turn overlap.

See also Response No. 16-23 regarding air quality.

Comment No. 10-45

Based on the discussion at the meeting on 8/27, it does not even sound as though this developer has a tenant to fill this location. Are we really considering allowing this

environmental destruction if there is not even a tenant that has agreed to a contract to move into this location? I will also say, I do not believe this to be true - this developer must be getting a monetary backing to cover all these legal fees, costs for these studies, giving away property, etc. The community has a right to know whom their likely new neighbors will be; and whether they will be around to fix all the problems that will be caused.
(B-135, Alison Yara)

Response No. 10-45

As noted in Response No. 2-21, the Applicant and its marketing team are actively engaged with the marketplace and are generating user interest in the project. The property needs to have the requisite zoning and approvals in place to attract serious interest and commitment from users as they generally do not consider sites until they understand whether or not the property can be developed for their intended use.

Comment No. 10-46

No one addressed the tax benefit of 140 homes paying taxes now vs. 10 years from now with Logistics.
(B-140, Christine Capuano)

Response No. 10-46

See Response No. 10-42, which assumes the previously approved 143 single-family homes, which would generate approximately $2,895,750 per year in real estate taxes, of which approximately $2,316,600 would go to the School District while increasing school costs by approximately $3,329,500. This is because the school must accommodate the additional school-aged children from the homes, and that results in additional costs to the school, such as additional instructional costs if more teachers must be added to the staff, etc.

In contrast, the proposed project would generate no school children and create no demand for school services. At the end of the PILOT program (see Response No. 10-3), the property owner would be paying $3,676,557 in annual property taxes of which approximately 81.59%, or $2,999,703, would go to the School District. The project would also generate little demand for municipal services.

Comment No. 10-47

Will the development guarantee taxes will be capped at the current levels due to the stated "no new children" and the claimed huge financial benefits to the Town and the County? (B-142, Steve & Susan Elias)

Response No. 10-47

The Applicant is not looking for any tax cap and would pay any increases in property taxes in the future just like any other property owner in the Town. Property taxes would be based on the assessed value of the property, which is the same method used to calculate all other properties' taxes.

Comment No. 10-48

I want to know if you would consider a cost expenditure share for Pugsley Road maintenance. (B-145, Hearing No. 3 (Mr. Larca))

Response No. 10-48

Pugsley Road from Route 312 to Barrett Road would be constructed as a heavy-duty roadway designed according to the Geotechnical Report for the anticipated amount of truck traffic and loads. This would help reduce the need for maintenance. As discussed above in Response 10-2, the project would generate tax benefits to the Town of Southeast that substantially exceeds the municipal services that it is anticipated to require.

Comment No. 10-49

PILOT PROGRAM:

From the DEIS the applicant writes:

1-3 "Feasibility: The proposed logistic center use is economically feasible and of sufficient size to pay for the on-site and off-site infrastructure requirements without public assistance."

Couldn't a PILOT program be considered 'public assistance' as the owners of record will not be paying the full amount or their fair share to Southeast, Putnam County and the Brewster Central School District?

(B-147, Lynne Eckardt)

Response No. 10-49

The purpose of the PILOT program is to make the Town as competitive as other municipalities in attracting commercial uses, and in order to help diversify the Town's real estate tax base. The Town of Southeast has a relatively high effective tax rate (3.65%) in comparison with other areas along the Route 84 corridor that have more commercial development, with several areas in Orange County having effective tax rates in the mid to low 2% range. The effective tax rate is the term that describes the percentage of the property's market value that is being paid in real estate taxes on an

annual basis. A high effective tax rate in Southeast means higher taxes for the residents of Southeast. Adding commercial uses tends to lower the effective tax rate because the taxes paid by commercial development help offset the taxes paid by residential uses.

The PILOT program enables the Town to lower the effective tax rate to a level that makes the subject property a competitive location in comparison to other potential sites that the same type of tenants that the Applicant intends to attract would be looking at. The result of the PILOT is diversification of the Town's tax base so that in the future when the PILOT schedule for the subject property is exhausted and the Town has the ability to assess the property at its full market value, the effective tax rate would have been lowered by effective employment of the PILOT program to be competitive with the other locations noted above, for this development and hopefully several others.

Comment No. 10-50

The taxes may be impressive by themselves, but they would be a very small fraction of our school, town, and county budgets.
(B-152, Bradley Schwartz, Ph.D.)

Response No. 10-50

Real property taxes are raised to pay for municipal budgets. In 2018 Southeast property taxes generated a total of $119,833,051: $3,356,031 to the Town of Southeast; $42,365,491 to Putnam County; and $74,111,529 for the 2018/19 school year to the Brewster Central School District (see Response No. 10-20 for the entire school budget). The Applicant's $3,807,423 in property taxes paid after the PILOT has expired in 2034 (see Table III.C.10-1 "Entire Project") but adjusted downward by 2% per year to 2018 yields $2,813,685. This would account for approximately 2.3% of the combined municipal budgets to be raised by real property taxes. While

technically fraction of these budgets, this nonetheless would be a meaningful contribution.

Comment No. 10-51

Is the project still feasible without either the Pilot program or IDA assistance?
(B-154, Carlos Passi)

Response No. 10-51

The Applicant is seeking a PILOT program because it is necessary to assure the project is competitive with other comparable projects and as a result to further assure the realization of resulting economic development benefits for local, county and state governments. PILOTs are a mechanism to encourage economic development while providing appropriate revenue to the municipality and other taxing jurisdictions. The project and user/tenant generally negotiate the PILOT for the benefit of the tenant/user. The landowner generally does not negotiate the PILOT.

PILOTS exist to induce jobs, the key output of development. Under a PILOT, instead of paying property taxes on the full assessed value of a property, a fixed payment is negotiated with the various property taxing jurisdictions for a period of time. In no case would a PILOT payment be less than the taxes the landowner is currently paying on the unimproved property. As part of the PILOT negotiations, the Applicant and user/tenant would ensure that the PILOT payments exceed the costs of providing governmental services to the project.

The State has empowered local Industrial Development Agencies (IDA) to help facilitate/induce economic development and job creation with incentives that help make New York's opportunities feasible, productive, competitive and successful. The Applicant would seek IDA inducement from the Putnam County IDA for the proposed project.

Other projects within the Town have used PILOT programs.

Comment No. 10-52

Is the timing of the above approvals significant to the feasibility of the project?
(B-154, Carlos Passi)

Response No. 10-52

As with any development, the Applicant would like to receive approvals in an expeditious manner so that the business can get up and running. The ultimate feasibility of the project is not dependent upon the timing of the approvals.

Comment No. 10-53

Can a copy of the requests to the PILOT program and Putnam county IDA be added to the documentation?
(B-154, Carlos Passi)

Response No. 10-53

The Applicant has not formally applied for the PILOT program at this point in time. According to the IDA, the Applicant cannot apply for a PILOT until a tenant or user is identified and committed to the project. The PILOT runs with the tenant.

Comment No. 10-54

Can you commit that no further concessions/assistance will be requested from the town/county/state?
(B-154, Carlos Passi)

Response No. 10-54

Because the Applicant's goal is to produce a project that is competitive with other municipalities in order to help diversify the Town's real estate tax base, the Applicant believes it would be unfair for the Town to preclude options from legitimate sources of funding designed for just such purposes. That is not a position that the Applicant or a subsequent user/tenant would be willing to make.

Comment No. 10-55

Can you break down the project by year starting in year zero? To include:
◦ *Tax cash flow tied to above*
(B-154, Carlos Passi)

Response No. 10-55

See Response No. 10-3.

Comment No. 10-56

Can you break down the project by year starting in year zero? To include:
◦ *Construction impact: $110.6M of output / $45,5M of wages and 818 jobs*
◦ *Operations impact: $91.6M of output / $32.4 of wages and 919 jobs*
◦
Was the impact of automation on jobs accounted for in the out years?
(B-154, Carlos Passi)

Response No. 10-56

The following tables show the annual breakdown of economic impacts on the construction and operations phases of the proposed development. The analysis is based on the IMPLAN model for the Putnam County study area.

Table III. C.10-5

Summary of Economic Impacts – Construction Phase

Year		Direct Effect	Indirect Effect	Induced Effect	Totals
2020	OUTPUT	$9,800,000	$1,375,867	$2,232,635	$13,408,502
	LABOR WAGES	$4,425,222	$432,138	$669,237	$5,526,597
	JOBS	74	8	17	99
2021	OUTPUT	$17,300,000	$2,428,827	$3,941,284	$23,670,111
	LABOR WAGES	$7,811,871	$762,856	$1,181,408	$9,756,135
	JOBS	130	15	29	174
2022	OUTPUT	$29,700,000	$4,169,720	$6,766,251	$40,635,971
	LABOR WAGES	$13,411,131	$1,309,642	$2,028,199	$16,748,972
	JOBS	223	26	50	299
2023	OUTPUT	$8,000,000	$1,123,157	$1,822,559	$10,945,716
	LABOR WAGES	$3,612,426	$352,765	$546,316	$4,511,507
	JOBS	60	7	14	81

Table III.C.10-6

Summary of Economic Impacts – Operations Phase

Year		Direct Effect	Indirect Effect	Induced Effect	Totals
Building A Operational (2021)	OUTPUT	$16,114,492	$4,386,293	$3,385,403	$23,886,188
	LABOR WAGES	$6,162,884	$1,232,469	$1,014,869	$8,410,222
	JOBS	179	37	25	241
Building B Operational (2023)	OUTPUT	$33,489,334	$9,115,648	$7,035,587	$49,640,569
	LABOR WAGES	$12,807,781	$2,561,333	$2,109,112	$17,478,226
	JOBS	372	77	53	502

See Response 10-15.

Comment No. 10-57

The economic impact was modeled using IMPLAN which is well accepted in the industry. However, only the bottom line results are presented.

◦ Can you provide the assumptions used to model these results?

(B-154, Carlos Passi)

Response No. 10-57

Assumptions utilized in IMPLAN model:

1. Total hard construction costs: $64,800,000
    a. 2020 – $9,800,000
    b. 2021 - $17,300,000
    c. 2022 – $29,700,000
    d. 2023 - $8,000,000

2. Total employment: 551 jobs for the day shift

a. Building A – 179
b. Building B – 372

Comment No. 10-58

Is the applicant prepared/willing to commit to maintaining the assertions made in the DEIS, for example:
◦ *The applicant commits to cover the cost of any unanticipated services increase.*
(B-154, Carlos Passi)

Response No. 10-58

The cost of municipal services is approximately $78,000 annually (see Response 10-2), which is well below what the project would pay under the PILOT program (see Response 10-3), and ultimately in property taxes.

Comment No. 10-59

In your presentation you calculate that the full assessed amount will be equal to ~$2m in annual tax revenue (I understand this is without the PILOT program). Can you please provide the assessed value you used for this evaluation? Can you also explain how you came up with that figure and what comps were used in determining the assessment?
(B-158, Eric Larca)

Response No. 10-59

Please see Response No. 10-14 for the stabilized income and expenses and capitalization method used to determine the assessed value of the project.

Comment No. 10-60

SHOPPING will become difficult. While Ms. Maher (Putnam County Chamber of Commerce) suggests these truckers may "shop and dine here," these huge vehicles are unlikely to do that. Most truckers look for convenience stores and rest stops (Loves, as an example) that are easy for them to enter and exit. They also sleep in their vehicles eliminating the need for lodging.
(B-166, Stefani Gosselink)

Response No. 10-60

While truck drivers are restricted in terms of the businesses they may patronize while on shift, the 551 day shift and other workers that would be employed at the warehouse/distribution facility (i.e., which do not include truck drivers) would support local businesses through wage expenditures.

Comment No. 10-61

The gentleman representing an economic development organization all the way from Goshen stood up to give his endorsement (one of two) to the project. I wondered why he was there and how it was any of his concern. Was his presence there solicited or hired by the developer?
(B-172, David Buckner)

Response No. 10-61

It is his concern because he is a Vice President of the Hudson Valley Economic Development Corporation (see Comment No. 10-22). As stated on their website[8], "HVEDC works closely with a mosaic of business, academic, government and community leaders to collaboratively navigate and shape a brighter economic future

[8] At https://www.hvedc.com/

for the Hudson Valley by driving business innovation, attraction, and expansion throughout the region."

Comment No. 10-62

How did the idea of a ten-year graduated tax relief program on behalf of the Developer come to be proposed?
(B-172, David Buckner)

Do we really need to offer inducements to bring their operation into our community?
(B-172, David Buckner)

Response No. 10-62

See Response No 10-3 and 10-14.

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III.11 Community Services

Comment No. 11-1

The discussion of the Police Department's capacity should indicate how the police department's response times compare to industry standard measures of police performance. (B-1, AKRF)

Response No. 11-1

The local police departments' response times compare favorably with national industry standards of police performance. According to American Police Beat, a leading law enforcement publication, the average response time nationally for an emergency 911 call is 10 minutes. According to the Josephson Institute's Exemplary Policing Center at http://josephsonsexemplarypolicing.org/2016/08/average-response-time-about-ten-minutes/, the reported national average for police response time in 2013 was 11 minutes. The Institute notes that individual cities may measure response time differently because there is no national "standard" for measuring them. This can cause a great disparity in reported numbers. In addition, not many cities 'advertise' their response times.

Thus, the Putnam County Sheriff's Department's response time to the site of five (5) to ten (10) minutes, and the Brewster Barracks of the NY State Police (Troop K)'s response time of ten (10) minutes or less, compare favorably with national industry standards of police performance.

Comment No. 11-2

The discussion of the Fire Department's capacity should indicate if the response time to the site of 13-18 minutes is typical, above average, or below average for a rural/suburban area. For example, the National Fire Protection Association set a standard response time of no

more than 10 minutes for a suburban area and no more than 14 minutes for a rural area. (B-1, AKRF)

Response No. 11-2

The Brewster Fire Department's response time appears to fall within the range of NFPA expectations for communities with both suburban and rural characteristics.

By way of background, whether a fire department is staffed with career firefighters or volunteers makes a difference in response times, because when the volunteers respond to a page-out they have to leave the location they are at (work, home or elsewhere) and get to the fire department before they can actually respond to the emergency. Accordingly, the National Fire Protection Association (NFPA) treats volunteer and career departments differently when it comes to response time standards. For those departments that are substantially (>80%) career there is NFPA 1710. For departments that are substantially (>80) volunteer there is NFPA 1720. The Brewster Fire Department is 100% volunteer, and therefore its response times is considered pursuant to NFPA 1720.

The 13-18 minute Brewster Fire Department response time appears to be within the range of NFPA expectations for communities, like Southeast, with both suburban and rural characteristics. In general, NFPA 1720 [https://www.nfpa.org/Codes-and-Standards/ARCHIVED/Safer-Act-Grant/NFPA-1720] provides the following benchmarks:

- **Urban Zones** with >1000 people/sq. mi. call for 15 staff to assemble an attack in 9 minutes, 90% of the time.
- **Suburban Zones** with 500-1000 people/sq. mi. call for 10 staff to assemble an attack in 10 minutes, 80% of the time.
- **Rural Zones** with <500 people/sq. mi. call for 6 staff to assemble an attack in 14 minutes, 80% of the time.

Southeast appears to fall within the lower end of NFPA's Suburban Zone classification, and, as some commenters have noted, contains rural characteristics. According to Wikipedia, the Town of Southeast has a population density of 573 people/square mile. As such, it is technically classified as a suburban zone by the NFPA although on the lower end of this category, but again, as some commenters have noted, it contains rural characteristics.

Therefore, the 13-18 minute Brewster Fire Department response time to the site appears to fall within the range of NFPA expectations for communities with both suburban and rural characteristics.

Comment No. 11-3

JMC was unable to obtain data on "the number and nature of police, fire, and EMS calls" to the site. A study of emergency service calls from similar warehouse/logistics facilities or research on how industrial and warehouse uses compare to other land uses in terms of calls for service would be useful in estimating future conditions. Other information that could help bolster this discussion is whether warehouse and logistics work is more or less dangerous than other professions.
(B-1, AKRF)

There are workers in those proposed buildings. Will they never need EMT people?
(B-3, PH #2, Ms. Kaddatz)

How will this massive proposal impact the police & fire departments?
(B-143, Susan Rebentisch)

There will also be an additional burden on emergency responders, particularly our all volunteer fire department.
(B-160, Donald and Donna McAlphin)

They will increase the need for social services (police presence, fire, EMS, etc.).
(B-135, Alison Yara)

Response No. 11-3

The project is not anticipated to place significant additional demands on emergency services. According to the U.S. Bureau of Labor Statistics for the year 2016, the rate of workplace injuries and illnesses was 5.0% of all workers in the Warehousing and Storage subsector. An injury or illness is considered to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

For the proposed facility with a total of 1,040 employees over three shifts, and 5.0% annual workplace injury or illness, yields a total of 52 workplace injuries annually. Not all of these occurrences would likely require a 911 call, but even if, to be conservative, it is assumed that they all did, 52 EMS calls would be made annually, or approximately 4-5 per month. According to the Brewster Fire Department website, http://www.brewsterfiredepartment.org/, 2,585 incidents were responded to through the 12-month period from October 2018 to September 2019. That is an average of 215 calls per month. That is an average of 215 calls per month. The addition of 4-5 potential calls a month from the proposed project represents approximately a 2% increase in 911 calls. Again, however, the number of EMT calls actually generated by the project is likely to be lower.

Comment No. 11-4

The discussion of the donation of Lot 5 to Putnam County's Tilly Foster Farm should clarify if this land will be under conservation easement like the rest of Tilly Foster Farm.
(B-1, AKRF)

Response No. 11-4

The decision whether to subject any property should the County accept it from the Applicant to restrictions, such as a conservation easement, would be up to the County. This is separate and apart from the Applicant's willingness to designate, as part of a project approval, substantial portions of its property that it would retain to future "no development" restrictions.

Comment No. 11-5

Land donation to a municipality or public agency is considered land acquisition. The FEIS should clarify that the land donations are part of the discretionary actions being reviewed under this environmental review.
(B-1, AKRF)

Response No. 11-5

This is an action with the County as the Involved Agency and is so noted in Table I.E-1, "Project Reviews and Approvals Required", in Section I. "Project Description".

Comment No. 11-6

And finally, if anybody sat on jury duty in the last five years, the drug problem in this county is out of control. What does bringing in these warehouses now bring to our area in the sense of the drug use? Where's the policing? Where's the guarantee that there's 24/7 surveillance to that site and no drug dealing is going on?
(B-3, PH #2, Ms. Fay)

Security as major concerns for the foreseeable future.
(B-66, Lori Pesick-Pierro)

Truck stops inherently bring opportunity for crime (e.g., contraband, drugs, prostitution, etc.). Which law enforcement agency will have jurisdiction of this area and how do they plan to police this project?
(B-102, Nina Agnano and Steven Hamel)

There is also the possibility of added crime from the workers who will be in this area.
(B-122, Jeffrey Gampinsky)

Many from out of town drawn by low paying jobs may augment their income with crime or drugs.
(B-143, Susan Rebentisch)

Response No. 11-6

The proposed warehouse/distribution facility is not a "truck-stop" but rather a place of business where people are working, and valuable goods are stored. There is no reasonable basis to assume that individuals who work there would be any more likely to engage in crimes and drug dealing than the general population.

Moreover, the nature of the anticipated use (storage of goods) make it incumbent upon any tenant to ensure that the facility is protected by security personnel and state of the art security systems. This may include Loss Prevention Associates, who can enforce a tenant's policies and procedures, as well as automated Trailer Control Centers (TCS), which have a camera that is monitored from inside the facility. If a truck is scheduled for arrival, the truck would be let into the perimeter fenced security area that most tenants are anticipated to install. For the security of their own facility, most tenants want a full perimeter fence surrounding their facility. This burden is typically shifted to tenants as an obligation in the lease. Tenets/users may elect to provide additional security based on their unique operations which may include alarms, exterior staffed security, etc. The individual buildings are sited to facilitate this type of security should it be desired.

The site is under the jurisdiction of the Putnam County Sheriff's Department and the NY State Police, Troop K, Brewster Barracks.

Comment No. 11-7

It usually costs us money, new roads, traffic lights, increased police and fire protection.
(B-35, Christine Capuano)

We do not believe the taxes collected from this project will offset the tremendous costs to upgrade and improve the current infrastructure and roads.
(B-160, Donald and Donna McAlphin)

Response No. 11-7

The Applicant would pay for mitigation measures related to the project, such as the widening of Pugsley Road, extra lanes on Route 312, installation and/or changing the timing of traffic signals, etc.

As noted in Response No. 11-3, a large number of monthly EMS calls is not considered likely (2-3 per month), based on the nature of the industry. Response No. 11-6 describes the proposed site security.

As discussed in detail in the Tax Analysis chapter, even with a Payment in Lieu of Taxes (PILOT) agreement, the applicant would still be paying substantial taxes, which would offset its limited impacts to the community.

Pugsley Road is being totally redesigned and would be constructed according to the geotechnical engineer's analysis to accommodate the truck volumes and loads anticipated for the warehouse/distribution facility. Route 312 is already designed to NYSDOT truck standards.

Comment No. 11-8

Our understanding is that the local fire departments, ambulance and emergency services, do not know about this proposed development.
(B-79, Susan Tullipano & Ken Tullipano)

Please provide comments from the Brewster, Patterson and Carmel fire departments as part of the FEIS. As this facility would be larger than anything around, it's imperative that the fire districts confirm they have adequate equipment.
(B-158, Eric Larca)

Response No. 11-8

As an interested agency, a copy of the DEIS was provided to the Brewster Southeast Joint Fire District. The Applicant's representation had a meeting with Brewster Fire Chief Moe DeSantis on September 19, 2018 to discuss the DEIS Plan. According to the Applicant, they discussed the proposed road improvements to NY 312, Pugsley Road, and Independent Way. In addition, the Applicant offered the use of the project's water system hydrants to the Fire Department to fill their pumper trucks if there is a fire in the vicinity of the project. Subsequently, plans for the revised project were sent to Chief DeSantis on 02/08/2019, requesting formal comment. Chief DeSantis noted in an email that he was advised by the Fire District on 03/13/2019 to make no comment on the project (Appendix 1-1). At this time, formal comments from the Brewster Southeast Joint Fire District have not been received by the Planning Board.

Comment Nos. 11-9/11-10

In terms of Community Services, the applicant states that the additional revenue from the PILOT program would offset the impacts from the project. Given the increase in traffic, transient driver population, employees, employees relocating into the district, etc., an increase

in traffic accidents, industrial accidents, spills, students and other situations requiring the response from Community Services is inevitable.

- *Will the increase in revenue offset the additional services required? Does the timing of the revenue match the need for services?*
- *The applicant states no Hazmat materials in the facilities; What will be/will not be allowed? How will this be controlled and monitored? (500+ trailers a day will make this challenging).*
- *What are the measures to prevent fires? Can you deal with plastic fires?*
- *What will be the additional road maintenance expenses?*

(B-154, Carlos Passi)

Response Nos. 11-9/11-10

See Response No.10-2 regarding cost of services, which is approximately $117,520 annually based on the total of 1040 employees. See Response 10-3 regarding timing of the revenue under the PILOT program.

See Response 3-8 regarding what are considered hazardous materials. These materials would be controlled and monitored by each individual tenant, as a condition of their lease.

See Response 12-2 regarding measures to control fires, including plastics, tires, and similar materials.

Pugsley Road from Route 312 to Barrett Road would be constructed as a heavy-duty roadway, designed to accommodate large trucks and heavy weights. This would help reduce the need for maintenance.

Comment No. 11-11

Implementation of the PILOT Program would decrease the total of Brewster Fire taxes paid to the Brewster Fire Department, generated by the new building, for a period of ten years for

each building. Is special equipment required by the Brewster Fire Department to fight fires at the proposed Northeast Logistics Center? If yes, what would that equipment be? How much would the equipment cost? Would the developer pay for the initial purchase of the equipment?
(B-155, Cathy Croft)

Response No. 11-11

The proposed project has been designed to meet all applicable building and fire code regulations. Each building under the Preferred Alternative Plan would include a specialized sprinkler system, which is specifically designed for high piled storage occupancies, and which would substantially reduce the amount of water needed in the event of a fire in any building. This sprinkler system, Early Suppression Fast Response (ESFR) sprinklers, is state-of-the-art and are widely used for warehouse/distribution facilities because they are quick responding, high volume systems that provide exceptional protection for high piled storage occupancies.

Instead of merely controlling a fire until the original fuel source is depleted, ESFR systems are designed to suppress the fire by discharging a large volume of water directly to the fire to reduce the heat release rate. These systems, installed at the ceiling, use large volumes of water delivering large water droplets at a high velocity to knock down the fire plume and provide enhanced protection.

Pursuant to standards established by the National Fire Protection Association (NFPA), substantially less water would be required to handle a fire at the warehouse/distribution facility because the buildings would be outfitted with ESFR sprinklers. To quantify the fire suppression requirements for the buildings, NFPA-13 (Standard for the Installation of Sprinkler Systems) 2013 edition was utilized, which is the current reference standard recognized by the New York State Building and Fire Codes. The proposed water tank contains 303,700 gallons, which, according to NFPA standards, is sufficient to protect "Extra Hazard" materials storage such as for the

protection of rubber tires up to 30 feet as well as Group A plastics as defined by NFPA 13. The storage tank must be sized to provide enough water for the duration (hours) as specified in NFPA for the particular hazard rating. Thus, the proposed storage tank has enough storage for the purposes of fire control for the buildings. The emergency water storage consists of 240,000 gallons for the sprinkler system requirements and 60,000 gallons for standpipe/hydrant use. The site hydrant outlets would each be sized for 250 gallons per minute (gpm) at 100 pounds per square inch (psi). The tank would be insulated and heated.

In addition, official NFPA guidance, set forth in NFPA 1 and NFPA 1142, provide conservative fire flow calculations based on building dimensions and construction classifications. Within these standards, the required fire flow may be reduced by seventy-five percent (75%) when a building is protected throughout by an approved automatic sprinkler system, such as ESFR, in accordance with NFPA-13, as discussed above.

The on-site water storage tank and automatic sprinkler system are designed to suppress a fire in the time it takes the fire department to arrive and then to provide supplemental water for the fire department to use to control and put out a fire. The water for the fire department would be provided by fire hydrants surrounding each building. Subject to final design calculations, the hydrants are to be connected by a 6" line from the water tank via the fire pump, which would supply water to the system. Distribution volume and pressure would be obtained via a fire pump in the range of 2,500 to 3,000 gpm, which would be verified according to NFPA standards when the system design is completed. Due to the building spacing and robust fire suppression systems, it is extremely unlikely that both buildings would have a fire at the same time.

With these measures in place, it is not anticipated that any special equipment would be needed by the Brewster Southeast Joint Fire District. Further, the Applicant met with the Fire Chief and Fire Inspector on March 14, 2018 to review the proposed

plans and obtain their comments. No mention was made of any need for special equipment.

Comment No. 11-12

From an already polluted world we live in, what recycling steps will be taken by the warehouses? Recycling cardboard is easy. What will be done with all of the Freon from all of the refrigerators and other special recycling that we as residents need to pay to remove? I would imagine the business would dispose of it, however where? Are they going to use our recycling centers that are already very limited in space? Will they have all of the garbage and recyclables carted out of Putnam County? What precautionary actions will be taken to mitigate the impact to the environment if any of the Freon or special recyclables or any of the garbage touches the reservoirs? I know that the buildings are set back however there is a considerable amount of wetlands in between that can help travel the waste.
(B-156, Patricia Ann Yara)

Response No. 11-12

Freon, the former industry-standard R22 refrigerant, is being phased out worldwide, and is typically only found in older air conditioner systems, which would not be used on the site. Should a tenant decide to install air conditioning, it would be installed without Freon, and comply with all applicable regulations. All materials would be recycled according to all applicable regulations. All costs of recycling would be borne by the Applicant and/or tenants, using private recycling firms. There would be no cost to the Town. Recycled materials and garbage (to be removed by a private carter) would be disposed of at licensed facilities in accordance with all applicable regulations. Each of the buildings would have two trash compactors. All trash and recycling would be stored in secure containers prior to pick-up by the carter.

For a discussion on responses to potential spills, please see Response No. 17-3.

Comment No. 11-13

And burden on the school system were not credible to me.
(B-172, David Buckner)

And child bearing by a huge number (800) of employees who would be inclined to live close to their place of work seemed disingenuous.
(B-172, David Buckner)

Response No. 11-13

See Response 10-28.

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III.12 Utilities

Comment No. 12-1

No comments. Please refer to the comment regarding the wells under "Groundwater."
(B-1, AKRF)

Response No. 12-1

Comment noted. Please refer to the responses in the Groundwater section of this FEIS.

Comment No. 12-2

I'm going to run some numbers by you from NFPA, which is the National Fire Protection Association. It's a governing body for fire departments of the United States.

Just on Building Number 1, which is 261,000 square feet at a height of 52 feet (indiscernible) - - class and the construction - - construction classification of that building, if it were to ever catch fire and got out of control to a hundred percent volume of a fire, you'd need approximately 300 - - 3.2 million gallons of water to put that fire out. Think about the water sources in that area. Where are you going to efficiently get 3.2 million gallons of water up Pugsley Road? At most, your tankers that your fire departments have carry 2,000 gallons of water. 2,000 gallons. On top of that, that calculation is proportional. So even if the fire was small, let's say a 16th of the building, you would still need 200,000 gallons of water or approximately 100 trucks tanking water in down Pugsley Road. Not to mention, you're talking a warehouse facility that's going to house plastics and other materials.

If there's fire and a light breeze, we're all being evacuated, and we're not going to know for how long, let alone what's going to happen to our properties. Now, you have this plastic, which is cancerous, and all this other stuff that is just generally not healthy.
(B-3, PH #2, Mr. Lubra)

What if there is a fire at this facility? Will I have to evacuate my home due to the closeness of this facility to my home?
(B-84, Rita LaBella)

If a fire ever occurred it could travel down that mountain and be tough to fight a fire of this size--
(B-85, Christine Capuano)

And where will they get enough water to fight a fire of this size or operate their air conditioning systems for over one million sq feet.?
(B-85, Christine Capuano)

Along with dangers to lives and property in case of a major fire.
(B-88, Eugene J. Duffy, Jr.)

Lastly, there will be minimal demand for municipal services. At the very end of the second public hearing a fireman say that there is a serious fire hazard posed by these types of buildings based on his experience in Fishkill. He said we don't have enough water to handle such a fire in Southeast.
(B-89, Challen Armstrong)

If this application is not outright rejected, we implore the Planning Board to ensure the best interests of those communities most directly impacted.
(B-107, Twin Brooks Homeowners Association, Inc.)

These include, but are not limited to: setting higher standards to ensure fire safety / ability to deal with plastics fire.
(B-107, Twin Brooks Homeowners Association, Inc.)

The added stress of the dept. & police if there should be fire the fire dept would not be able to handle it and all that debris in the air will end up in our backyard let alone the pollution it would cause.
(B-128, Patricia G.)

We live in a residential area not an industrial town. In the event of a fire at the warehouses, can our volunteers handle a fire of this industrial sized capacity let alone if we can produce the amount of water that would be needed to contain it? If the warehouses contain hazardous materials, many families would need to evacuate to avoid noxious fumes.
(B-134, Jon Scalzitti)

Increased danger from fire and/plastics or other hazards burning.
(B-135, Alison Yara)

I would like to hear from the Fire Department directly at the next meeting as from what I read, there isn't enough water to fight a fire of this size. Think the Gap warehouses in Fishkill which are not even near a residential area.
(B-140, Christine Capuano)

The four logistic centers are roughly 1,300 feet from Carmel's only middle school: George Fischer Middle School where children attend from grades 5 to 8. If all four logistics centers were to have a fire, similar to the length the one at the GAP facilities in Fishkill had, the children at the school would be in immediate danger. The surrounding fire departments do not have the amount of water or resources needed to put out a fire of that size and as far as I know, it's prohibited to take water from the reservoir. I am not sure if there would be enough water in the reservoir to extinguish (not including how flammable the material is in the warehouses).
(B-156, Patricia Ann Yara)

There were additional concerns from volunteer fire fighters who claim that 269,000 gallons of water would not be sufficient for a development of this size. Please confirm if that statement is true.
(B-158, Eric Larca)

Our very existence will be threatened if there is ever a fire at this Logistics Center or even a small portion of it due to the manpower and amount of water needed to extinguish this fire.
(B-83, Carol Yannarell-Duffy)

Response No. 12-2

There is ample water to address a fire on the site with a proposed 303,700-gallon water storage tank, as discussed below.

As discussed in Response 11-11, each building under the Preferred Alternative Plan would include a specialized sprinkler system, which is specifically designed for high piled storage occupancies, and which would substantially reduce the amount of water needed in the event of a fire in any building. This sprinkler system, Early Suppression Fast Response (ESFR) sprinklers, is state-of-the-art and is widely used for warehouse/distribution facilities because they are quick responding, high volume systems that provide exceptional protection for high piled storage occupancies.

Instead of merely controlling a fire until the original fuel source is depleted, ESFR systems are designed to suppress the fire by discharging a large volume of water directly to the fire to reduce the heat release rate. These systems, installed at the ceiling, use large volumes of water delivering large water droplets at a high velocity to knock down the fire plume and provide enhanced protection.

Pursuant to standards established by the National Fire Protection Association (NFPA), substantially less water would be required to handle a fire at the warehouse/distribution facility because the buildings would be outfitted with ESFR

sprinklers. To quantify the fire suppression requirements for the buildings, NFPA-13 (Standard for the Installation of Sprinkler Systems) 2013 edition was utilized, which is the current reference standard recognized by the New York State Building and Fire Codes. The proposed water tank contains 303,700 gallons, which, according to NFPA standards, is sufficient to protect "Extra Hazard" materials storage such as for the protection of rubber tires up to 30 feet as well as Group A plastics as defined by NFPA 13. The storage tank must be sized to provide enough water for the duration (hours) as specified in NFPA for the particular hazard rating. Thus, the proposed storage tank has enough storage for the purposes of fire control for the buildings. The emergency water storage consists of 240,000 gallons for the sprinkler system requirements and 60,000 gallons for standpipe/hydrant use. The site hydrant outlets would each be sized for 250 gallons per minute (gpm) at 100 pounds per square inch (psi). The tank would be insulated and heated.

In addition, official NFPA guidance, set forth in NFPA 1 and NFPA 1142, provides conservative fire flow calculations based on building dimensions and construction classifications. Within these standards, the required fire flow may be reduced by seventy-five percent (75%) when a building is protected throughout by an approved automatic sprinkler system, such as ESFR, in accordance with NFPA-13, as discussed above.

The on-site water storage tank and automatic sprinkler system are designed to suppress a fire in the time it takes the fire department to arrive and then to provide supplemental water for the fire department to use to control and put out a fire. The water for the fire department would be provided by fire hydrants surrounding each building. Subject to final design calculations, the hydrants are to be connected by a 6" line from the water tank via the fire pump, which would supply water to the system. Distribution volume and pressure would be obtained via a fire pump in the range of 2,500 to 3,000 gpm, which would be verified according to NFPA standards when the system design is completed. Due to the building spacing and robust fire suppression systems, it is extremely unlikely that both buildings would have a fire at the same time.

Given the fact that the proposed buildings are separated from the nearest residential areas by a distance of approximately a quarter mile, it is highly unlikely that a fire at the proposed project would require an evacuation of any residential homes.

Comment No. 12-3

And I remember very clearly about two years ago, right over in East Fishkill, the Gap warehouse. That burned for hours, and they had sufficient water supply, and the building had 10 sprinklers.
(B-3, PH #2, Mr. Lubra)

Response No. 12-3

It is not known what fire suppression system the Gap had in place at the time. The Gap was constructed in 2000.

See Response 12-2, which explains that the facility would have ample water to address a fire on the site using a state-of-the-art NFPA approved fire suppression system.

Comment No. 12-4

What is this going to do to our ***antiquated*** *infrastructure?*

Every time the wind blows the wrong way we lose power. What is this massive proposed project going to do to our less than perfect electric grid?
(B-8, Amanda DeHaan)

Drain on electricity, we do not need power outages.
(B-9, James Scomillio)

Where will the facility get their electricity from? Will they have their own grid designated just for them or will they be on Hunters Glen's grid?
(B-164, Dalia Valdajevaite)

Response No. 12-4

Appendix 1-2 of the DEIS contains "will serve" letters from New York State Electric and Gas (NYSEG) to supply both gas and electricity to the site, which means they have or are able to procure sufficient electricity and gas to serve the project.

In discussions, NYSEG representatives indicated that new overhead electrical utility distribution lines may be required to bring power from Route 312 to Pugsley Road and the site. NYSEG indicated that the total estimated length of new overhead distribution is approximately 5,500 feet. The Hunter's Glen and the Twin Brook Manor grids would therefore not be connected to the proposed warehouse/distribution facility.

In addition, according to discussions with NYSEG, currently there is not a gas main in Pugsley Road. NYSEG is exploring the most efficient way to provide a gas main extension, which would serve the site.

The project would use LED lighting to conserve energy and lower energy costs.

Comment No. 12-5

We also believe that consideration should be given to increasing the emergency water supply in the event of a large scale fire.
(B-98, Snyder & Snyder)

Response No. 12-5

See Response 12-2, which explains that the facility would have ample water to address a fire on the site and a state-of-the-art fire suppression system.

Comment No. 12-6

Page III.J-5 of the DEIS indicates that each building septic absorption field will have a capacity of 5,000 gpd; however, on the drawings, the septic areas are depicted with design flows of between 2,700 and 3,200 gpd. Given the marginal soil conditions, the applicant must ascertain that adequate space exists to accommodate these proposed subsurface systems at the expected flow rates. This review should be performed and presented during the SEQRA review process.
(B-137, NYCDEP)

Response No. 12-6

The septic design flows for the Proposed Alternative Plan 4,500 gallons per day (gpd) for Building A, and 7,980 gpd for Building B, for a total of 12,480 gpd, which is the potable water demand for the project.

Each individual septic system is sized for the anticipated loading requirements for each building based on the March 2014 New York State Design Standards for Intermediate Sized Wastewater Treatment Systems prepared by the NYSDEC Division of Water. The water usage multiplier for a Distribution Warehouse in Section B.6.b, Table B-3, as discussed in Section III.9 "Groundwater" in Response No. 8-1, is 15 gpd per employee per shift. This rate does not take into account that hydraulic loading may be reduced by 20% for specified uses equipped with water-saving plumbing features, yielding a water demand of approximately 12,480 gpd as noted above. The Putnam County Department of Health has witnessed the testing for each septic area

subsequent to the preparation of the DEIS and the systems have been sized accordingly.

Comment No. 12-7

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) - SANITARY

The proposed project would utilize subsurface disposal systems (SSDS) for sanitary sewage disposal. One SSDS would be proposed for each of the four buildings, with estimated design flows of 17,000 gallons per day per tank. Sewage effluent discharges of 1,000 gallons per day or greater to groundwater are regulated under Article 17 of the Environmental Conservation Law and a SPDES permit would be required for these disposal systems.
(B-144, NYSDEC)

Response No. 12-7

Comment noted. The Preferred Alternative Plan proposes two subsurface disposal systems (SSDS) for each of the two (2) buildings, with estimated septic design flows totaling 4,500 gpd for Building A and 7,980 gpd for Building B.

Comment No. 12-8

Please note that any other potential discharges associated with the project which require coverage under a SPDES permit (such as that described in the below Water Withdrawal section, regarding possible water withdrawal-related industrial discharges) and that, pursuant to 6 NYCRR Section 750-1.6(f), a permit for a system serving more than one separately owned property can only be issued to a government agency, municipality, or sewage works corporation formed pursuant to Article 10 of the Transportation Corporations Law.
(B-144, NYSDEC)

Response No. 12-8

Comment noted. The Campus at Field Corners Sewage Works Corporation, New York State Department of State I.D. No. 3287060, which was duly created pursuant to Article 10 of the New York State Transportation Corporations Law, is authorized to accept any required SPDES permit.

Comment No. 12-9

The project area, as noted in the DEIS, is the location of the former development proposal of the "Campus at Field Corners." A SPDES permit (SPDES ID# NY0259314, DEC ID# 3-3730-00155/00003) was issued to Putnam Seabury Partners LP for this former proposal, and is currently active until December 31, 2020. Since Campus at Field Corners will not be constructed, and the newly proposed logistics center requires its own SPDES permits, this permit should be discontinued. By copy of this letter, Putnam Seabury Partners LP is advised to submit a letter requesting discontinuance of the SPDES permit NY0259314. This letter should be sent to the Regional Permit Administrator, 21 South Putt Corners Road, New Paltz NY 12561. Please note that if this permit is not discontinued by December 31, SPDES permit fees will continue to be assessed for the following calendar year.
(B-144, NYSDEC)

Response No. 12-9

Comment noted. The Applicant would abandon that permit when the Commercial Campus at Fields Corner project is approved.

Comment No. 12-10

The DEIS indicates that existing wells would be utilized to supply the logistics center with potable water. The potable water demand for the proposed project is estimated to be 78,000 gallons per day. Please note, water withdrawal systems with the pump capacity to withdraw

100,000 gallons per day or more of water are regulated under 6 NYCRR Part 601. The Groundwater section states that the total demonstrated yield of the wells, which is typically less than the pump capacity, is 288 gallons per minute or 414,720 gallons per day, and therefore a Water Withdrawal permit from DEC is required. For more information, the project sponsor can visit the DEC website at http://www.dec.ny.gov/lands/55509.html.
(B-144, NYSDEC)

Response No. 12-10

The project's water demand requirement utilizing low flow plumbing fixtures, as anticipated, is 12,480 gallons per day (gpd) or approximately 8.6 gpm. Two wells are proposed for use as supply wells, OW-3 and NW-4. One well would be used as the primary water-supply well and the other well as a back-up well per the request of the Putnam County Department of Health (PCDH). Each well would be equipped with a pump with a capacity of 30 gpm or less for a combined maximum pumping capacity of 60 gpm or less (86,400 gpd). The combined pump capacity is below the NYSDEC threshold of 100,000 gpd that would require a water withdrawal permit.

Comment No. 12-11

Please note that the Utilities section states that the applicant will be requesting that DEC rescind the Water Supply permit issued to the former project sponsor. The former Water Supply permit, now a Water Withdrawal Public permit, expired in 2015. So no action would be required as it is no longer an active permit.
(B-144, NYSDEC)

Response No. 12-11

Comment noted. The groundwater withdrawal for the proposed project (15,600 gpd, or 12,480 gpd using low flow plumbing fixtures, as anticipated) is far below the NYSDEC water withdrawal threshold of 100,000 gpd that would require a permit.

Comment No. 12-12

The plan sheet C302, UTILITIES PLAN B, shows a proposed water treatment building, but there does not appear to be any discussion of it in the Utilities section of the DEIS. Please note that if chlorine treatment is proposed, the site will likely need a Hazardous Material Bulk Storage registration for the storage tank. In addition, any filter backwash contaminated with chlorine could be considered an industrial pollutant. If discharged, either directly or through one of the proposed sanitary systems, an industrial SPDES permit may be required. The EIS must identify the means of treatment and address these additional potential environmental impacts, if applicable.
(B-144, NYSDEC)

Response No. 12-12

In 2005 a water supply and treatment system were designed to serve multiple residential buildings for the project known as Campus at Field Corners. This design provided for domestic and fire protection potable water and was approved and permitted by the New York State Department of Health. At that time the water supply was to come from wells OW-1 and NW-4 with a third well OW-3 to be capped and held in reserve. This project was never implemented.

The design requirements for domestic and fire protection potable water for the presently proposed project have changed significantly. The revised design has been done in accordance with the current adopted editions of The State of New York Building Codes (International Building and Plumbing Code), Fire Safety Code, Department of Health Regulations, National Electrical Code, and applicable standards of NFPA 13 for the installation of Sprinkler Systems, and NFPA 72 National Fire Alarm Code.

The water demand is 15,600 gpd for domestic use associated with the total of 1,040 employees on the three shifts, or 12,480 gpd if low flow plumbing fixtures are used,

as anticipated. An estimated 12,000 gpd demand for onsite irrigation would be supplied from cisterns capturing runoff from the roofs of the proposed buildings. A 303,700-gallon fire water storage tank is proposed, which is separate from the domestic potable water system. Storage capacity for domestic use would be one day of projected potable water consumption of approximately 15,000 gallons with backup/emergency power provided for the well supplies and for the water pumping and treatment facility. The potable water would be supplied to the warehouse buildings via a booster pump system drawing from the potable water storage tank via a six-inch (6") diameter water force main to serve each warehouse building.

The domestic well water supply from wells OW-3 and NW-4 would be chlorinated in accordance with New York State Drinking Water standards. In consideration of the well water analysis, see Appendix 8-1, no other treatment is required, i.e., no filtration is needed or incorporated in the design. Thus, there is no backwash water requiring special handling or treatment.

Comment No. 12-12 expresses some concern about the bulk storage of chlorine as a hazardous material. Sodium Hypochlorite at 12.5%, a liquid, would be used to chlorinate the well water. A conservative calculated estimate of demand for this chemical is less than two gallons per day. Likely, the chemical product would be delivered to the treatment building in five-gallon containers loaded on a pallet of 32 containers. Five-gallon containers are easy and safe for an Operator to handle. These containers would be stored on a containment pad which would hold any spillage or leakage should it occur. The containment would comply with New York State Chemical Bulk Storage requirements. The chemical feed system and storage would be located in a ventilated room and isolated from the remainder of the treatment building. Therefore, as noted above, there is no filtration nor filter backwash. An eyewash and safety shower would be provided in accordance with the American National Standards Institute (ANSI) and NYS Ten States Standards.

Comment No. 12-13

AIR RESOURCES

The Utilities section states that the buildings will be heated by natural gas. If the project includes installation of boilers with total capacity greater than ten million British Thermal Units per hour or addition of boilers such that the total exceeds that threshold, then an air facility registration or permit may be required.
(B-144, NYSDEC)

Response No. 12-13

Based upon the size and use of the four (4) buildings contemplated for the project proposed in the DEIS, the estimated size of the direct-fired rooftop-mounted gas heaters was as follows:

- Building 1 – 27 MBTUs/hr
- Building 2 – 17 MBTUs/hr
- Building 3 – 35 MBTUs/hr
- Building 4 – 40 MBTUs/hr
- Total - 119 MBTUs/hr

In the downsized two (2) building Preferred Alternative Plan now proposed in the FEIS, the estimated size of the direct-fired rooftop-mounted gas heaters would be as follows:

- Building A – 32 MBTUs/hr
- Building B – 66 MBTUs/hr
- Total - 98 MBTUs/hr

This represents an 18% reduction from the project as proposed in the DEIS.

Once NYSDEC determines if an air facility registration or permit is required, the Town may require such be obtained as conditions of Special Permit and Site Plan

Approval. The Applicant would comply with what the NYSDEC directs with regard to an air facility registration or permit.

Comment No. 12-14

The DEIS calls for a 269,000 gallon water tank to be used in case of a fire. A simple google search shows that the dimensions of a 250,000 gallon water storage tank is ~33' x 48'. Will you be using a similar model? What will be the dimensions? Will you require a variance from the Zoning Board?
(B-158, Eric Larca)

Response No. 12-14

The water tank that is proposed to be used has an actual capacity of 303,700 gallons. The tank is approximately 42 feet in diameter, and 30.36 feet in height. With a 5 to 6 foot dome on top, the height is approximately 36 feet, and with a 42-inch handrail, the total height is approximately 40 feet. This is below the 45-foot maximum height permitted in the OP-3 district. Therefore, there is no need for a variance.

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III.13 Cultural Resources

Comment No. 13-1

As reported in the DEIS, the Phase IA Archaeological study prepared by the Applicant's consultant recommended that Phase IB testing be performed on portions of the site not previously studied. This report was submitted to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) which in turn issued a letter of "No Effect" for the project, indicating that in their opinion no further testing was warranted. AKRF's archaeologist reached out to OPRHP to confirm this recommendation in an email dated March 27, 2018. OPRHP responded in a letter dated April 4, 2018, confirming that based on the topography and previous studies, no further testing was warranted and that the Proposed Project "has a low potential to contain historic properties (architectural and archaeological sites)." Copies of this correspondence can be found in Appendix I-2. As such, the DEIS sufficiently documents that the Proposed Project is unlikely to result in any significant adverse impacts to historic or archaeological resources and AKRF has no further substantive comments on this chapter.
(B-1, AKRF)

Response No. 13-1

Comment noted. As explained in the DEIS, in addition to the correspondence from OPRHP, Phase 1B testing conducted at the site in 2005 also shows that the Area of Potential Effect of the project is unlikely to contain precontact resources and documentary research shows that the site has a low potential for historical period cultural resources.

III.14 Noise

Noise Preamble

The Preferred Alternative would meet and surpass all required noise restrictions enacted at the local, state and federal levels.

The DEIS Plan met or surpassed all relevant noise restrictions, as verified by an expert acoustic consultant. In preparing this FEIS, the Applicant engaged the same acoustic consultant to verify that the Preferred Alternative Plan also meets or exceeds all applicable noise restrictions. The intent of the Applicant is to assure the Town and local residents that the Preferred Alternative Plan recognizes the sensitive nature of the adjacent residential communities. Therefore, the Plan would exceed the requirements of the Town Noise Ordinance by a minimum of 9 dBA for noise from the rooftop HVAC equipment, and further reduce any potential noise impacts from truck operations on-site.

The Applicant has taken the following steps to assure performance in meeting the acoustical goals of the community and regulations.

- Density: The Preferred Alternative is 17% smaller than the DEIS Plan and would generate proportionately less sound in the aggregate.
- Distance: Sound dissipates over distance. The Preferred Alternative positions buildings and vehicles nearly one-quarter of a mile from all nearby residences. The most dramatic difference was eliminating Building 4, which had been within 600 feet of Twin Brooks.
- Line of Sight: Sound generally travels in waves over a straight line. The Preferred Alternative Plan places loading docks on the building side facing away from the abutting condominium communities and uses the building structure to block sound transmission.

- Traffic Circulation: The Preferred Alternative Plan uses a traffic circulation pattern that prevents trucks from circumnavigating the buildings and confines trucks to areas where a building stands between the truck and the abutting condominium communities. Only automobiles would travel to the condo facing side of the buildings.
- Topography: The buildings are placed at a higher elevation than the abutting condominium communities and would act as a sound barrier for noise from I-84. Additionally, the Applicant would install a 12' high berm between Building B and the Twin Brook Manor community to provide a high quality, natural visual and sound barrier.
- Sound Walls: The Applicant would select quieter equipment and/or install sound walls on all rooftop equipment to assure that no more than 46 dBA of sound reaches the closest residences from this equipment, which is 9 dBA lower than the nighttime noise limitation set by the Town Noise Ordinance. The Town intends to require as conditions of Special Permit and Site Plan Approval that noise from the rooftop HVAC equipment exceeds the requirements of the Town Noise Ordinance by 9 dBA.
- Operations: The Applicant would commit to assuring the Town and residents that New York's anti-idling regulations are followed at all times. Trucks would not be permitted to layover on-site overnight. Tenants and users would be required to install trucker's lounges where drivers can relax while their trucks are being loaded or unloaded, eliminating any need to remain in an idling truck. The would be no sleeping accommodations for drivers on the property. The Town intends to require these items be included as conditions of Special Permit and Site Plan Approval.
- Operating Hours: The building would operate 24/7/360, but within the industry, the majority of commercial activity occurs during the traditional business day and is reduced by approximately half during the second (evening) shift. During the third (night) shift, the activity is limited to in-building cleaning, maintenance, repair and restocking activity much like a grocery store prepares for the next business day. Based on truck counts at the Gap Distribution Center in Fishkill and at the

Matrix Distribution Center in Newburgh, truck traffic is concentrated to the first shift, tapering into the second shift. The Town intends to require as conditions of Special Permit and Site Plan Approval that no trucks access the site between the hours of 11:00 PM to 6:00 AM Monday through Saturday, and on Sunday trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM. The access to the buildings would be controlled by gates providing controlled access to further prevent unnecessary truck access to the property.

As a result of these measures, the Applicant's acoustic consultant concludes that the warehouse/distribution activity on the subject property developed in accordance with the Preferred Alternative would generate background noise that is consistent with current existing background noise levels and would not generate disruptive noise levels at normal operation. In short, the Preferred Alternative would not pose any significant adverse noise impacts on the nearby residential communities and no foreseeable noise levels from the developed property would have a detrimental effect on the residents, including those who choose to sleep with open windows.

Comment No. 14-1

Noise monitoring locations 6 and 7 are first introduced on page III.L-9, separately from the other locations. Since they are subsequently treated the same as the other locations, it would be better to treat them the same as the other 5 locations by including them in all areas of the chapter (i.e., Pages III.L-8, Table III.L-9, Table III.L-11, etc.).
(B-1, AKRF)

Response No. 14-1

Noise monitoring locations 1 to 5 (Figure III.14-1) were selected as the closest residences to the proposed project. Three of them (#1, 2, and 5) are in the Hunters Glen development. At the time of the night-time noise monitoring, sites 1 and 5 were totally dominated by the sound of flowing water. Noise monitoring locations 6 and 7

were selected to study sites further from the stream, and further from the proposed development and I-84, as surrogates. Since they are sites that are interior to the development, and not in worst-case locations, there is no need to analyze them further.

Comment No. 14-2

Indicate the duration of the noise measurements. As stated in Section 96-5.D.1 of (the Code of the Town of Southeast," sound measurements shall be taken at the property line for twenty-minute durations.
(B-1, AKRF)

Response No. 14-2

The 20-minute duration noted is with respect to compliance with the noise code. Since measurements were taken to characterize the background values only, the time periods were shortened once it was clear that the Leq was completely stable, and unchanging. The new October 2018 daytime readings were generally taken for periods of 20-minute duration, as there was more variation in the noise sources. The previous and new data is presented in the revised table below (in the DEIS, Table III.L-5a and 5b).

Table III.C.14-1a (revised)

Ambient Noise Levels on February 20 and 21, 2018 & October 3, 2018

	Receptor #							
	1	**1**	**2**	**2**	**3**	**3**	**5**	**5**
Location	Hunters Glen				Twin Brooks		Hunters Glen	
Leq, dBA	51.9	46.3	45.3	42.3	44.5	36.8	65.7	47.3
Lmax, dBA	54.0	47.5	62.5	52.1	59.9	40.2	87.0	48.6
L1, Dba	52.8	47.3	54.0	50.3	51.5	39.6	80.6	48.3
L10, dBA	52.2	46.6	46.0	46.3	46.5	38.0	59.2	47.5
L90, dBA	51.7	46.1	42.9	38.5	40.7	35.8	44.6	47.2
Time Start	3:43pm	11:55pm	3:57pm	12:27am	4:55pm	12:41am	3:18pm	12:03am
Duration, min.	5	5	20	5	20	5	20	5
Date	3 Oct	20 Feb	3 Oct	21 Feb	3 Oct	21 Feb	3 Oct	21 Feb
Major Noise Sources	Flowing water		Autos in neighbor-hood	Autos on Fair St.	I-84		Lawn-mowers	Flowing water

Table III.C.14-1b (revised)

Ambient Noise Levels on February 20 and 21, 2018

	Receptor #					
	4	**4**	**4**	**6**	**7**	
Location	Field Lane, Patterson			Hunters Glen		
Leq, dBA	52.8	43.7	43.8	41.0	50.9	39.5
Lmax, dBA	76.7	47.8	47.1	46.4	64.6	43.6
L1, dBA	60.3	47.4	46.7	45.3	59.8	42.8
L10, dBA	51.0	46.2	45.3	42.5	53.6	40.7
L90, dBA	48.3	40.4	42.0	39.1	45.8	38.3
Time Start	5:29pm	11:38pm	12:48am	12:08am	4:24pm	12:18am
Duration, min.	20	5	5	5	20	5
Date	3 Oct	20 Feb	21 Feb	21 Feb	3 Oct	21 Feb
Major Noise Sources	Local traffic & I-84	I-84 & flowing water		Distant traffic & hum of electrical equipment	Local traffic in the development	Distant traffic & hum of electrical equipment

Not unexpectedly the daytime background noise levels were higher. The increase from nighttime to daytime and the primary reason is summarized below.

Receptor No.	Increase from Nighttime to Daytime		Primary Reasons for Difference
	Leq, dBA	Lmax, dBA	
1	6	7	Higher flow in stream + additional neighborhood noise
2	3	10	Traffic within Hunters Glen
3	8	20	Increased I-84 traffic & neighborhood activity
4	9	19	Local traffic and increased I-84
5	18	38	Lawnmowers within Hunters Glen
7	11	21	Traffic within Hunters Glen

These data demonstrate several points:

- Daytime noise levels can be very high and are influenced by what activities are going on nearby. Monitoring captured lawnmowers, cars, and delivery trucks. Other noise sources that would be there at other times would include trash pickup, weed whackers, snow removal, and air conditioners.
- Potential construction noise levels should be compared with daytime noise levels.
- At night, I-84 noise is a constant, that on occasion can be overshadowed by such noise sources as flowing water in a stream that has been monitored. There are also times when cicadas would be very loud (certainly between 50 and 60 dBA at the residences closest to the trees), and times when wind blowing through the leaves would raise background noise levels, especially in the fall as the leaves are dying.
- As such, it is expected that the background noise levels at night would vary from the high 30s dBA to at least the high 50s dBA, over the course of a year.

Comment No. 14-3

In Table III.L-5, a unit should be specified for the reported L1, L10, and L90 noise levels. If it is dB(A), this should be made explicit, as with the Leq and Lmax values in the table.
(B-1, AKRF)

Response No. 14-3

See Response No. 14-2. The unit dBA has been added to the revised table.

Comment No. 14-4

Pages III.L-13/14 state that "the volume of construction traffic is less than the operational traffic." Explain/clarify why construction traffic would not produce a greater amount of noise due to construction trucks as compared to normal vehicular traffic.
(B-1, AKRF)

Response No. 14-4

See Response No. 15-1, "Construction."

Comment No. 14-5

Page III.L-18 indicates that the traffic noise analysis was conservative by comparing build conditions to existing conditions. However, the discussion after Table III.L-10c seems to compare build conditions to no build conditions.
(B-1, AKRF)

Response No. 14-5

The tables (III.L-10a, b, and c in the DEIS) should have said existing traffic noise analysis was conservative by comparing build conditions to existing conditions. The tables have been redone with the revised traffic of the Preferred Alternative and are presented below, comparing build to no build conditions. In addition, based on other comments, additional links have been added.

Table III.C.14-2a (FEIS revised)
Traffic Volume and Noise PCE

Comparison of Build 2023 to No Build 2023 (AM Peak Hour)

Location	No Build AM 2023			Build AM 2023			%PCE Increase	dBA Increase
	Cars	Trucks	Noise PCEs	Cars	Trucks	Noise PCEs		
US 6 north of Route 312	1,755	105	6,669	1,783	106	6,758	1.3	<0.1
US 6 south of Route 312	745	90	4,982	746	90	4,989	0.1	<0.1
Route 312 between US 6 & Prospect Hill Road	1,787	75	5,294	1,817	76	5,382	1.7	<0.1
Route 312 between Prospect Hill Road & Pugsley Road	1,813	138	8,304	1,843	139	8,379	0.9	<0.1
Route 312 between Pugsley Road & Caremount Dr	1,814	140	8,398	1,935	147	8,847	5.3	0.2
Route 312 between Caremount Dr & I-84 EB Ramps	1,843	85	5,855	1,965	91	6,232	6.4	0.3
Route 312 between I-84 EB Ramps & I-84 WB Ramps	1,752	110	6,898	1,825	112	7,080	2.6	0.1
Route 312 between I-84 WB Ramps & International Blvd	1,111	39	2,926	1,145	40	2,960	1.2	<0.1
Route 312 north of International Blvd	846	59	3,618	881	59	3,654	1.0	<0.1
I-84 EB Ramps	1,269	67	4,411	1,431	69	4,674	6.0	0.1
I-84 WB Ramps	716	21	1,717	902	23	1,963	14.	0.3

Table III.C.14-2b (FEIS revised)
Traffic Volume and Noise PCE

Comparison of Build 2023 to No Build 2023 (PM Peak Hour)

Location	No Build AM 2023			Build AM 2023			%PCE Increase	dBA Increase
	Cars	Trucks	Noise PCEs	Cars	Trucks	Noise PCEs		
US 6 north of Route 312	2,358	27	3,621	2,392	27	3,667	1.3	<0.1
US 6 south of Route 312	831	25	2,016	833	25	2,020	0.2	<0.1
Route 312 between US 6 & Prospect Hill Road	2,280	22	3,334	2,315	23	3,387	1.6	<0.1
Route 312 between Prospect Hill Road & Pugsley Road	2,337	24	3,448	2,373	24	3,484	1.0	<0.1
Route 312 between Pugsley Road & Caremount Dr	2,350	24	3,461	2,490	25	3,650	5.5	0.2
Route 312 between Caremount Dr & I-84 EB Ramps	2,405	37	4,163	2,513	40	4,386	5.4	0.2
Route 312 between I-84 EB Ramps & I-84 WB Ramps	2,400	42	4,358	2,469	43	4,472	2.6	0.1
Route 312 between I-84 WB Ramps & International Blvd	1,332	17	2,141	1,344	17	2,154	0.6	<0.1
Route 312 east of International Blvd	1,241	29	2,603	1,339	31	2,795	7.4	0.3
I-84 EB Ramps	892	10	1,366	963	10	1,449	6.1	0.3
I-84 WB Ramps	1,285	14	1,947	1,343	14	2,005	3.0	0.1

Table III.C.14-2c (FEIS revised)
Traffic Volume and Noise PCE

Comparison of Build 2023 to No Build 2023 (SAT Peak Hour)

Location	No Build AM 2023			Build AM 2023			%PCE Increase	dBA Increase
	Cars	Trucks	Noise PCEs	Cars	Trucks	Noise PCEs		
US 6 north of Route 312	2,346	27	3,594	2,354	27	3,606	0.3	<0.1
US 6 south of Route 312	865	13	1,483	867	13	1,486	0.2	<0.1
Route 312 between US 6 & Prospect Hill Road	2,342	41	4,275	2,350	41	4,289	0.3	<0.1
Route 312 between Prospect Hill Road & Pugsley Road	2,369	36	4,075	2,377	36	4,090	0.4	<0.1
Route 312 between Pugsley Road & Caremount Dr	2,377	38	4,178	2,410	44	4,495	7.6	0.3
Route 312 between Caremount Dr & I-84 EB Ramps	2,400	36	4,104	2,436	37	4,165	1.5	<0.1
Route 312 between I-84 EB Ramps & I-84 WB Ramps	2,323	46	4,481	2,345	46	4,524	1.0	<0.1
Route 312 between I-84 WB Ramps & International Blvd	1,275	19	2,179	1,278	19	2,184	0.2	<0.1
Route 312 east of International Blvd	1,295	9	1,705	1,298	9	1,708	0.2	<0.1
I-84 EB Ramps	1,211	32	2,719	1,228	32	2,751	1.2	<0.1
I-84 WB Ramps	1,133	16	1,864	1,152	16	1,894	1.6	<0.1

The largest projected increase in noise is 0.3 dBA which is far below the 2 to 3 dBA that is considered barely discernable. Indeed, for 75% of the links the increases are only 0.1 dBA or less. Thus, there is no projected noise impact from increased off-site traffic noise.

Comment No. 14-6

Indicate the enforcement mechanism to ensure that if Building #4 is developed as a cold storage facility, a more detailed noise analysis will be performed.
(B-1, AKRF)

Response No. 14-6

The analysis in the DEIS was performed on the basis of assumed mechanical units and assumed rooftop locations to demonstrate that rooftop HVAC noise was not an issue of concern because of the large distances involved.

The Noise Ordinance allows a night-time $L_{eq(1\ hr)}$ of 55 dBA. The Applicant's analysis shows that its project can easily conform to that requirement, and, as an exercise of good faith and to be conservative, would show that its project can surpass the night-time requirements of the Town Code by meeting a limit of 46 dBA. At the time of Site Plan Approval, the Applicant is willing to perform a supplemental noise analysis based on actual equipment selection and location to confirm that with both buildings fully occupied the HVAC noise would be less than 46 dBA at all existing residential receptors. The Applicant is also willing to provide a further confirming monitoring report after installation of the equipment to document the results. Sound barriers would be added adjacent to units on the roof if that would be necessary to meet the 46 dBA goal, although the analysis indicates that this is unlikely.

Comment No. 14-7

In the "Operation - On-site Trucks" section of the chapter, a reference Lmax noise level of 75 dBA is presented for truck operations. A reference for this emission level should be provided, or the emission level for Flatbed Trucks as provided by FHWA and presented in Table III.L-7 should be used instead.
(B-1, AKRF)

Response No. 14-7

The Lmax of 75 dBA was a measured value of low speed (5 to 7 mph) heavy trucks traveling on interior asphalt driveways at various sites in New Jersey, most recently at a site in Howell. Subsequent to the DEIS, noise levels were monitored on the traffic entering and leaving the Gap Distribution Center in Fishkill, NY. On October 18, 2018, from 10:22 pm to 10:58 pm the Lmax of 6 tractor-trailers approaching the entrance at a distance of 25 feet were measured. The values were: 71, 73, 73, 74, 74, and 76 dBA. Thus, the value of 75 dBA that was used in the analysis is appropriate.

Comment No. 14-8

Further detail/clarification should be presented on the measured HVAC noise levels from "other similar facilities" used in the "Operation - On-site HVAC" section of the chapter. This should include a description of the similar facility/facilities, methodology for noise level measurements, measured noise levels, and description of any adjustments made to apply the measured levels to this analysis.
(B-1, AKRF)

How much noise will be added by the HVAC units on top of the buildings perched fifty feet above the top of the ridge? How much louder are the refrigerated units?
(B-91, Alan Wendolski)

Response No. 14-8

The data used for the HVAC equipment was based on rooftop monitoring adjacent to similar equipment at:

- Commercial facilities
    - White Plains, NY
    - Bronxville, NY
- Cold Storage (1/2 refrigeration & ½ freezer)
    - Clifton, NJ

These data were used to help to evaluate the extent of the issue associated with rooftop HVAC equipment. See Response No. 14-6 for additional discussion.

Comment No. 14-9

And that's in the Hunters Glen town home community. So my first question is, obviously, the obvious, what's the impact to Hunters Glen? I think Hunters Glen is about 1200 feet away, so I'd like to hear more about the impact from sound and noise from Hunters Glen.
(B-2, PH #1, Mr. Esposito)

I live at 4501 Hickory Hollow Lane in Hunters Glen. My question really is about the noise. was looking through the noise report there, and it seemed like they set up some receptors on my road too on – in February, and they – the decibel level was recorded. You know, said that the flow of stream and 84 came out to certain amount of decibels, and that was about equal to what construction vehicles would be in that area.

Well, one thing is: The stream doesn't flow all the time, so you don't always hear that, number one. And number two, I've been there for 20 years. So when New York State Electric and Gas comes in and they decide to trim along the power lines, they bring in one little vehicle. They go in there, and you can hear them trimming up. I can hear them very clearly, and this center is not much further beyond that. So I don't see how all these trucks going in and out

of there are going to actually be the equivalent sound of my stream and what I hear from 84. But if you're putting 500 trucks or even 4 -, whatever, on 312 between Hunters Glen and there, there's just no way I that that community's not going to hear it. So my one thing I'd want to know is: What kind of barrier would be between Hunters Glen and there? Would it be on the other side of the power lines? You know, and how far back from there would it be?
(B-2, PH #1, Mr. Bisio)

The noise (Hunter's Glen)
(B-3, PH #2, Mr. Catalino)

Will be replaced with constant truck noise, loading dock noise.
(B-65, Susan Pesick-Pierro)

I dread [in Hunters Glen] the sound of early morning birds or crickets in the evening replaced by truck traffic.
(B-66, Lori Pesick-Pierro)

With construction and a 24/7 operation you can also add … noise.
(B-66, Lori Pesick-Pierro)

The traffic noise.
(B-74, Ping Ye)

The noise this will add to our local area will be an attack on our quality of life. Our residence borders [Hunters Glen] on this proposed facility.
(B-79, Susan Tullipano & Ken Tullipano)

The noise [at Hunters Glen].
(B-84, Rita LaBella)

If you ever worked on a loading dock. you know how loud it can get and this center is slated to have 212 loading docks.
(B-90, Challen Armstrong)

If you consider all the trucks coming in and out.
(B-90, Challen Armstrong)

This place is going to be noisy.
(B-90, Challen Armstrong)

With a total of 212 loading docks and 192 trailer parking spaces placed atop a ridge, how can Seabury expect anyone to believe this project will be no louder than a flowing stream when my house is only 1,400 feet away.
(B-91, Alan Wendolski)

Seabury claims it conducted tests, but there is no other center this huge in a rural setting on top of a hill that I know of.
(B-91, Alan Wendolski)

If you ever worked on a loading dock. you know how loud it can get and this center is slated to have 212 loading docks.
(B-94, Israel Diaz)

This place is going to be noisy.
(B-94, Israel Diaz)

On top of everything this center will be running 24 /7 so when the hell are we supposed to get some sleep?
(B-94, Israel Diaz)

Noise: The project must be designed so that there is zero increase in ambient noise at the Hunters Glen property line, particularly in the vicinity of the residences. As the proposed zoning text amendment includes refrigeration and retail usage, any noise studies must account for worst case conditions. Moreover, baseline studies must be documented and evaluated so that in the event the project is approved future parties will be able to confirm whether the facility creates noise in excess of the predevelopment levels.
(B-98, Snyder & Snyder)

Based on the maps provided, one of the buildings would be located just a few hundred yards from my back yard [in Hunters Glen]. I am very concerned about both noise pollution from the trucks and warehouses unless deflecting sound barriers are also planned around the property. As it is, we can hear the traffic on I-84 and there is every reason to believe the noise pollution would be just as bad, if not worse, from this proposed distribution center.
(B-127, Laurel Kaddatz, DVM)

Proximity to Hunters Glen condo complex.
(B-128, Patricia G.)

Since the proposed warehouses will be open 24 hours a day, 7 days a week, the truck noise will be heard all night by those who live in the vicinity.
(B-129, Frank Billack)

Noise.
(B-138, Michael Catalano)

With the noise.
(B-139, Tonia Olsoe-Rubeo)

My second concern is that the Northeast Interstate Logistic center would be behind our unit in Hunters Glen I will hear trucks 24 hours a day. I enjoy sitting on my back deck listening to

the birds, I don't want to have to listen to trucks.
(B-169, Stacy Bisio)

Response No. 14-9

The noise section of the DEIS documented how the project would comply with the Town's noise ordinance, *Chapter 96, Noise*. The Applicant is proposing numerous additional noise mitigation measures to ensure that the project would dramatically surpass the requirements of the Town's Noise Ordinance and otherwise produce no significant adverse noise impacts in the neighborhood.

Given the reduction from four buildings to two buildings, the large distances involved, the reorientation of all the loading docks away from Hunters Glen and Twin Brooks Manor, eliminating the need for trucks to circulate around the buildings at night, and implementing other mitigation measures as proposed, truck access to and around the buildings would not adversely impact the residents of Hunters Glen and Twin Brooks. Because of these changes, the calculated values in the DEIS are no longer valid – i.e., the potential noise impacts of the project have been reduced even further.

As demonstrated in the tables in Response No. 14-2, the "ambient noise at Hunters Glen" is highly variable and depends on the location on site, time of day, the duration of time after rainfall, insect activity, and a variety of activities undertaken by the residents or those working on behalf of the residents. Receptor locations #1, 2, and 5 are in Hunters Glen. Additional daytime noise monitoring was conducted since the DEIS and is included in Response No. 14-2. A further discussion of existing background levels in Hunters Glen may also be found in Response No. 14-2.

In summary, the Applicant believes that it has documented the pertinent range of background values in the residential communities. The daytime sound levels ranged from a low of 45 dBA, when the only activity was I-84 in the distance, to 66 dBA when the lawnmowers were in the area. This represents a full range of what can be

expected during the day. The nighttime sound levels ranged from a low of 37 dBA (just distant I-84 noise) to a high of 47 dBA (with flowing water). The only background scenarios that the Applicant did not monitor were noisier ones when air conditioners were on and/or cicadas active. Since the Applicant is not trying to compare its project's projected noise levels to those periods of time when nighttime background values are unusually high, there was no need to monitor those conditions.

Experience in many locations has demonstrated that the most effective way to fix a project's noise impacts is to have a goal, such as is expressed in the Noise Ordinance. Here, the Town intends to require as conditions of Special Permit and Site Plan Approval that the Applicant commits to a noise limit that is lower than what is allowed by Ordinance for the closest residential uses. For example, with respect to HVAC noise, the Town intends to require as conditions of Special Permit and Site Plan Approval that the project surpasses the night-time requirements of the Town Code at the receiving land (for the closest residential uses) by meeting a limit of 46 dBA (as compared to the Noise Ordinance's night-time $L_{eq(1\ hr)}$ limitation of 55 dBA). In addition, the Applicant is proposing additional noise studies and noise monitoring compliance reports at the time of Site Plan approval to ensure that its project meets this goal. See additional discussion on this point in Response No. 14-6.

With respect to truck noise, including on-site circulation, loading dock activity, and on I-84, the buildings themselves would provide noise attenuation. The revised site plan showing the location of the loading docks is shown in Figure I-2 and in the full-sized plans. The two buildings represent a half-mile long, 44' tall noise barrier (protecting residents from both on-site truck noise and I-84 noise).

Given the large distances involved, orienting all the loading docks away from Hunters Glen and Twin Brooks, eliminating the need for trucks to circulate around the buildings at night, and implementing the mitigation measures as proposed, truck access to the buildings would not adversely impact the residents of Hunters Glen and Twin Brooks Manor. Because of these changes, the calculated values in the DEIS in Table

III.L-11 are no longer valid – i.e., the projected values have been reduced even further. The Lmax values at Sites 1, 2, 3 and 5 are expected to be less than 35 dBA, while at Site 4 they are expected to be less than 40 dBA. The changes in the Preferred Alternative have resulted in substantial decreases in projected night-time truck noise as compared to the DEIS plan.

As a point of comparison, noise levels at the Gap Distribution Center (which is a single building that is approximately 2,219,397 square feet, or approximately twice the size of NILC's four buildings combined) in Fishkill were monitored. It should be noted that in that location there are single-family homes (Van Wyck Glen), townhomes (Van Wyck Meadows) and apartments (Village at Merritt Park), which all have a direct line of sight to the Gap loading docks and over 13 acres of trailer parking. In this location, all 360 apartments, 16 single-family homes, and 5 townhomes are within 1,900 feet of the trailer parking. Monitored noise levels with multiple trucks on-site at 65 feet from the truck parking were as high as 76 dBA. That becomes 47 dBA at 1,900 feet.

Thus, by having the proposed buildings located far from Hunters Glen and Twin Brooks and situated so as to shield the residents, the buildings themselves would serve to avoid significant noise impacts to Hunters Glen and Twin Brooks Manor.

Comment No. 14-10

How close to Hunters Glen will this be? While you're doing construction, are you going to any sound baffles between Hunters Glen and the construction, and also for the trucks? (B-2, PH #1, Mr. Windolsky)

Response No. 14-10

Construction noise was analyzed in the DEIS. "Sound baffles" are not necessary between the construction sites and Hunters Glen because the impacts would be

temporary, and the hours of construction would be limited to those permitted by the Town Code.

Comment No. 14-11

My concern is that I live on Tonetta Lake, and due to the I guess, the roll of the land, the way the wind blows when I the weather's just right – I call it the roar of 84. And you can have your windows open, and at night, I can actually hear trucks shifting gears as they're coming up the hill. So if we're going to have an additional, I think, if I read correctly – trying to bog through – 570 trucks a day, have you guys actually measured the noise level on the 84 portion? Not just, like, a mile away or at your facility. Like, really at that hub. Because we're also – you're mentioning here 665 jobs, direct jobs. Well, that's another 660 cars on the road. I mean, all of this is just saying to me lots of noise. I'd love to have that more clear for me, if you could make that.
(B-2, PH #1, Ms. Woodgate)

Response No. 14-11

The number of trucks added to I-84 as a result of this project would be such a small percentage increase (less than 1%) that there would be no measurable increase in noise levels adjacent to I-84. It would take a 26% increase in traffic volumes to increase the noise levels by one dBA, and a 58% increase to cause a 2 dBA increase. Both increases are considered to be an imperceptible increase to most observers.

Comment No. 14-12

Now, when I was looking at your presentation and I shouldn't really be directing it to you, but to the second gentleman. Okay. There, you had little boxes, and those little boxes were Hunters Glen. You said not one single word about any impact on those residences in Phase 5, Phase 6, and Phase 7.
(B-2, PH #1, Ms. Fanizzi)

Response No. 14-12

There are no planned Phases 5, 6, and 7. Moreover, the Town intends to require as conditions of Special Permit and Site Plan Approval that areas of the subject property not be developed, and kept in a no-build, natural condition.

Comment No. 14-13

So what I'm not seeing is anything about John Simpson Road. There has not been - - there was no noise impact. There was not really anything with the topographic study.
(B-2, PH #1, Ms. McCarthy)

Response No. 14-13

There would be no noise impacts to receptors on John Simpson Road. The Applicant has added additional roadway links in Response 14-5. Noise increases are essentially less than 0.3 dBA at all locations.

Comment No. 14-14

Also, it [a green roof] would make it a little quieter, kind of, depress it a little bit. So those types of things.
(B-3, PH #2, Mr. Cyprus)

Response No. 14-14

A green roof would not affect noise levels in the community. No other mitigation than what has been proposed is necessary.

Comment No. 14-15

And the noise which carries at night and will be heard while we try to sleep. The beep, beep, beep of semis backing up. (Twin Brook Manor)
(B-3, PH #2, Ms. Croft)

And the noise which carries at night will be heard while we try to sleep.. beep beep beep of semis backing up.
(B-35, Christine Capuano)

The impact to our standard of living – from noise.
(B-135, Alison Yara)

Unit 406 is on the Eastern side of Twin Brook Manor will undoubtedly be most affected by noise pollution.
(B-175, Jeffrey Castellano)

Response No. 14-15

The loading docks for Buildings A & B have been reoriented to be facing away from Twin Brook Manor and Hunters Glen. Then the noise of any backup beepers would be shielded by the buildings themselves. See Response No. 14-9 for more detailed discussions.

Comment No. 14-16

Further, the noise ordinance sets a daytime limit of 65 dBA and 55 dBA at night for residences. I do not find that your estimation of a dBA of a 53-foot tractor trailer truck either rolling or idling is included.
(B-3, PH #2, Ms. Armstrong)

I live directly at "the bench" in the developer's presentation at the corner of Ivy Hill and Maple Road. I purchased my home for the beauty of the location. Directly across from the Middle Branch reservoir. On Sunday mornings, I can go outside on my property and bask in the silence, beauty and quiet of my country road. This will change drastically, if the logistics center is developed. It is a 24/7 day operation. I will hear (as I do with the Sunday quiet, the hum of I84) magnified by numerous trucks passing across rte 6 right across the water from my house.
(B-29, Gina Occhigrossi)

Response No. 14-16

The noise from individual tractor-trailers operating on-site was discussed in Response 14-7. The cumulative effect of trucks was discussed in the DEIS, but based upon revised traffic volumes has been revised and is presented in Response 14-5.

It should be noted that the vast majority of the trucks (92%) are projected to access I-84, and only a few (8%) are projected to use US 6.

In summary, there would be no noticeable increase in truck noise on the area roads.

Comment No. 14-17

I was able to get some research from the Department of Motor Vehicles. According to Motor Vehicle Law Chapter 4, Subchapter E, itemizes the sound impacts of different kinds of vehicles. That document states that most humans find the sound level of 50 to 60 to 70 decibels create a significant impact. Further, most trucks operate at 91 decibels at 50 feet, which is very loud.
(B-3, PH #2, Ms. Armstrong)

In terms of noise pollution, according to the NYS Motor Vehicle Law, tractor trailer trucks and heating and cooling units are the two biggest contributors to noise pollution. Further they calibrate the noise from a single tractor truck to be 91 decibels. According to the DEIS, the noise levels will be 7 decibels less than the limit provided for in the ordinance.
(B-87, Challen Armstrong)

Response No. 14-17

The commenter is improperly conflating the noise that an individual truck would make when operating at high speed as measured in immediate proximity to that truck with the noise that trucks operating at slow speeds would make when appropriately measured from the distances and in conjunction with the other inhibitors to sound travel, such as the proposed mitigation measures, associated with this project. Thus, for example, while a truck operating at high speed may produce a noise of 91 dBA at 50 feet, this is irrelevant to the analysis of trucks operating at low speeds as they may be perceived hundreds or thousands of feet away.

Truck noise has been addressed in the DEIS and these FEIS responses in two ways:

1. Trucks would be operating at low speeds on-site. Values used in this analysis used noise monitoring data from similar trucks traveling at similar speeds. See Response No. 14-7. The DEIS demonstrated that trucks operating on-site would meet the Town Noise Ordinance limit of 55 dBA at night and 65 dBA during the day. Response No. 14-9 explains how, with the mitigation measures proposed, on-site truck noise is projected to be far below the Town Noise Ordinance limit. Maximum noise levels at very high speeds are not relevant to this analysis.
2. Even with trucks operating at somewhat higher speeds on local roads than they would on-site, the analysis demonstrates that the percentage increases are so low that no significant adverse noise impacts can reasonably be anticipated. This comparison was based on the increase in the number of

trucks on the local roads. It should be noted that the trucks traveling on two-lane roads with numerous curb cuts, traffic lights, and curves do not travel at 65 or 70 mph as they do on Interstate highways. So once again, maximum noise levels at very high speeds are not relevant to this analysis

Comment No. 14-18

The fallacy in offering the cumulative effect, which I thought was interesting, per building (indiscernible) - - the fact that all the trucks, both coming and going, will be using of the same road for access and exit, Pugsley Road. So what is it - - what are you talking about, per building? It just doesn't make any sense.

I see no offering of what standard of dBA you use to calculate the noise of each truck or the cumulative effect of 21 trucks per hour on Pugsley Road or the four roadways that the trucks will be using to get to I-84. Please cite the standard of dBA calculations that you use for a 53-foot tractor trailer truck or any of the other kinds of trucks that you introduced this evening, and let me know what that is. Please cite the standard and the cumulative effect that it has on 21 trucks per hour.
(B-3, PH #2, Ms. Armstrong)

Response No. 14-18

Truck noise on local roads was analyzed in the DEIS and has been revised based upon revised traffic volumes. See Response No. 14-5.

Trucks traveling on Pugsley Road would be screened for Hunters Glen and Twin Brooks by and Buildings A and B in the Preferred Alternative plan for the vast majority of the time and would be separated by distance and topography from those developments. The intersection of Pugsley Road and Rt 312 is 0.9 miles from Hunters Glen and 1.25 miles from Twin Brooks. Thus, no further analysis regarding trucks on Pugsley Road is necessary.

Comment No. 14-19

But 91 decibels times 510 trucks doesn't sound to me like we're going to have lower.
(B-3, PH #2, Ms. Armstrong)

Add to that the noise impact surrounding communities will suffer during both construction and operation.
(B-102, Nina Agnano and Steven Hamel)

Not to mention the noise [from Hunters Glen].
(B-168, Christine Caso)

Should this. project be approved, the noise is only going to get worse - much worse - once the area is cleared of trees and the Northeast Interstate Logistics Center is up and running. My neighbors and I will be subjected to the loud, unpleasant noise of 500 trucks coming and going daily, 24 hours a day, and seven days a week.
(B-168, Christine Caso)

Response No. 14-19

Regarding construction noise, see Response No. 14-10.
Regarding off-site truck noise, see Response No. 14-5.
Regarding on-site truck movement and operations see Response No. 14-9.
Regarding the comment that trucks cause noise impacts of 91 decibels see Response 14-17. This commenter's suggestion that this inaptly high noise level should be multiplied by the number of trucks coming to the site throughout the day is misleading for a variety of reasons, including that this is not how noise impacts are assessed. See Response No. 14-22/23/24.

Comment No. 14-20

Many commenters expressed concern over the additional noise they felt the proposed facility would generate.
(B-3, PH #2, Ms. Yekutiel); (B-9, James Scomillio); (B-12, Rosemarie Crumley);
(B-14, Shi Chen); (B-19, Gail Rampolla); (B-21, Nina Walters); (B-24, Paul Hondorf);
(B-27, Linda Cuzzi); (B-28, Anthony Capizzi); (B-55, John Berasley); (B-58, Angela Cuomo);
(B-60, Vincent Stallone); (B-64, Samantha Jacobs); (B-64, Samantha Jacobs);
(B-68, KK Dorkin); (B-68, KK Dorkin); (B-70, Helen Dorkin); (B-76, Jackie Kaddatz);
(B-84, Rita LaBella); (B-85, Christine Capuano); (B-93, Unknown); (B-99, Pablo Diaz);
(B-100, Marie Vigada); (B-101, Jack Pizzicara);
(B-104, Nathalie Del Vecchio and Roberto Molina); (B-105, Barbara Mahon);
(B-107, Twin Brooks Homeowners Association, Inc.); (B-109, Elena Tezzi);
(B-116, Barbara Ciero); (B-118, Cherie Ingraham); (B-121, Joseph Dobies);
(B-128, Patricia G.); (B-129, Frank Billack); (B-132, Robert Mundy and Barbara Mundy);
(B-134, Jon Scalzitti); (B-150, George and Diana Thomas); (B-152, Bradley Schwartz, Ph.D.);
(B-160, Donald and Donna McAlphin); (B-167, Irene DeFelice); (B-172, David Buckner);
(B-174, Christine Capuano); (B-179, Alice Brandon)

Response No. 14-20

Regarding construction noise, see Response No. 14-10.
Regarding off-site truck noise, see Response No. 14-5.
Regarding on-site truck movement and operations see Response No.14-9.

Comment No. 14-21

So don't tell me they're going to have a muffler, because no truck driver want to spend the money to put the muffler on the truck.
(B-3, PH #2, Ms. Yekutiel)

Response No. 14-21

Truckers have to comply with State and Federal laws.

Comment No. 14-22/23/24

In table 111.L.25 you calculate the cumulative effect from each building. The fallacy in offering the cumulative effects per building belies the fact that all of the trucks both coming and going will be using the same road for access and exit, Pugsley. There will be 11.3-50 trucks per hour over a 24 hour span. Think of 91 dBA X 250 trucks as they traverse and idle on Pugsley Road, Imagine the noise impact as they get to 1-84. Please cite the standard of dBA calculation that you used for a 53' tractor trailer truck and what the cumulative effect it has on the proposed # of trucks per hour.
(B-6, Challen Armstrong)

Response No. 14-22/23/24

Trucks traveling on Pugsley Road would be traveling at relatively low speeds (with 30 mph is the posted speed limit) and the noise levels they generate would be substantially quieter than the maximum allowed by the Town Noise Ordinance. In addition, the decibel is a logarithmic scale. Thus, 75 dBA plus 75 dBA is not 150 dBA, but rather 78 dBA. Plus, the projected truck volumes are so low under the Applicant's Preferred Alternative Plan that probability that multiple trucks would be operating simultaneously in the same location at the same time is low.

For additional discussions regarding Pugsley Road see Response No. 14-18.

Comment No. 14-25

What is going to be the noise level of these trucks 24 hours a day to my community at Twin Brook Court, Hunters Glen, and any other community they border?
(B-8, Amanda Dettaan)

The Employee parking lots for buildings 3 and 4 are located between the buildings and my back door, how far away are they? How noisy will be the sound of 200 car doors closing at the change of shifts?
(B-91, Alan Wendolski)

Response No. 14-25

Employee parking at Buildings A and B, in the Preferred Alternative, range from 1,300' to 2,500' from Hunters Glen, and from 1,400' to 3,200' from Twin Brooks. Cars and car doors at these distances would not be audible.

Comment No. 14-26

When the noise at night exceeds the values listed on page IIIL-9 in table III.L-5 will Seabury close down the center for Evening operations? What is the maximum noise level allowed before operations must shut down?
(B-91, Alan Wendolski)

Response No. 14-26

The night time standard in the noise ordinance is a Leq(1 hr) of 55 dBA. The ordinance imposes monetary fines for violations.

Comment No. 14-27

Trucks going up and down Route 312 at all hours of the day and night will ruin whatever peace and quiet that we have left in our neighborhood.
(B-38, Peter & Cathy)

Response No. 14-27

It should be noted that the vast majority of the trucks (92%) are projected to access I-84, and only a few (8%) are projected to use US 6. Thus, 92% of the truck traffic would use only a short segment of NY 312 between Pugsley Road and I-84., and only 8% would use the longer segment from Pugsley Road to US 6. Moreover, the Town intends to require as conditions of Special Permit and Site Plan Approval that no trucks access the site between the hours of 11:00 PM to 6:00 AM Monday through Saturday, and on Sunday trucks would only be permitted to access the site between the hours of 10:00 AM to 5:00 PM.

Also, see Response No. 14-5.

Comment No. 14-28

Noise - over 500 trucks per day and over 100 that would arrive after hours. Many in Southeast can already hear 84 and 684. We live in the "country" and we are ruining that. Back up alarms, exhaust brakes, loud diesel engines. I hear the trucks on 684 and I am a mile away "as the crow flies".
(B-111, Jeff Rusinko)

Response No. 14-28

See Response No. 14-11.

Comment No. 14-29

What is the noise level of a Semi both running and also starting up?
(B-91, Alan Wendolski)

What is the level of the backup beepers of these Semi's?
(B-91, Alan Wendolski)

What is the noise level of a loading dock during normal operations?
(B-91, Alan Wendolski)

What will be the noise generated by these combined 600 cars around midnight in addition to the truck, loading dock, back up beepers, and HVAC noises?
(B-91, Alan Wendolski)

What a shame it would be to have the PEACE of the area disrupted by the noise of LARGE trucks so near Tilly Foster Farm.
(B-105, Barbara Mahon)

Response No. 14-29

Regarding on-site truck movement and operations see Response No. 14-9.
Regarding Tilly Foster Farm see Response No. 14-31.
Regarding off-site truck noise, see Response No. 14-5.

Regarding back-up alarms the Occupational Safety & Health Administration (OSHA) has established standards for the use of backup alarms on construction vehicles and material handling equipment. OSHA doesn't have any requirements for back-up alarms in its general industry standards.

In any case, Response No. 14-9 explains that the buildings themselves would effectively provide a noise barrier that would provide substantial noise attenuation.

Comment No. 14-30

Logistics offered to have loading docks facing the opposite side of the present facing my complex, Hunters Glen, and planting trees to buffer noise. I take issue with that solution. I lived 5 miles from Laguardia Airport and even with the noise of the Whitestone Bridge which was 3 blocks from my home I could hear the planes running their engines overnight. I am a quarter of a mile away and doubt this will solve the problem. At night noise travels very far. As for the trees, by the time they grow large enough to buffer the noise or hide these warehouses from view, It will be many years.
(B-140, Christine Capuano)

Trees & foliage is a nice idea but what happens in winter when there are no leaves – sound travels a great distance especially at night. 600 feet, even 1,500 feet from the residential areas is not adequate.
(B-143, Susan Rebentisch)

Response No. 14-30

While trees can be a very effective visual screen and could serve to attenuate noise impacts, neither the DEIS nor these responses have claimed any credit for the intervening vegetation with respect to noise reduction in coming to the conclusion of no adverse noise impacts.

The nighttime noise levels from the on-site truck operations have been addressed in Response No. 14-9. The noise levels from rooftop HVAC units have been addressed in Response No. 14-6.

Comment No. 14-31

One of the many beautiful and desirable features of our Town is the historic Tilly Foster Farm.
(B-142, Steve & Susan Elias)

It {Tilly Foster Farm] will likely receive the most impact from the constant noise.
(B-142, Steve & Susan Elias)

The beautiful Tilly Foster Farm will hear the noise pollution at night as I will as my condo complex faces this land high above.
(B-174, Christine Capuano)

Response No. 14-31

Monitoring conducted at Tilly Foster Farm demonstrated that daytime noise levels at the farm were totally controlled by traffic on NY 312 between US 6 and Pugsley Road. This segment was analyzed in the DEIS, and in Response No. 14-5, and found to have noise increases less than 1 dBA.

Comment No. 14-32

The applicant also states that there are no significant noise impacts and that the only mitigation required are mufflers during construction. This assertion was made by looking at the impact of construction, off-site traffic, on-site traffic and operations in isolation using independent assumptions.

- *The construction analysis was based only on construction noise, excluding operational and construction traffic. While this could arguably be true during the construction of Bldg 1 and 2, it is not a valid assumption for the construction of Bldg 3 and 4 (closest to the receptors).*
- *The off-site traffic analysis uses passenger car equivalents (PCE) calculated using the TNM model at four segments. Using table III.L-10b as representative, the first three segments*

relate to flow from US-6 to Pugsley are not relevant since the applicant stated that there would no truck traffic in those segments.

- *Relevant segments that should be used are: Pugsley from 312 to NILC, both I-84 exit ramps and their approaches.*
- *For the 312 segment between Pugsley and I-84, the table shows 40 trucks in the no build case, which sounds very high (the number of large trucks should be zero given the 1 mile travel limit). Also the increment in number of trucks in the build stage of 7 seems understated, a later table states 28.*
- *If we do a quick analysis (which needs to be refined) of Pugsley between 312 and NILC when the road is closed (worst case) and assume a car volume of one (zero would result in infinity) for the build case and 600 cars (300 employees during shift change) and 28 trucks would result in a dBA Increase of 33 versus 0.6 used to make the no noise impact assertion.*
- *The impact of all the segments is additive and should be modeled using a model like the afore mentioned TNM.*

◦ *The noise impact of construction, off-site traffic, on-site traffic and operations are cumulative and should be modeled taking into account the receptor positions and meteorological conditions.*

(B-154, Carlos Passi)

<u>Response No. 14-32</u>

Construction noise is a daytime short-term issue with limits on hours and days imposed by the Noise Ordinance. Operational truck noise is of primary concern during nighttime hours when construction would not be occurring. With respect to construction traffic volumes vs operational traffic volumes, the volumes and number of trucks during construction is less than during operation. Thus, the worst case is with all buildings occupied, which has been analyzed (see Response No. 15-1 "Construction"), not with one building under construction and one occupied.

Construction noise, off-site traffic, and on-site traffic and operations all have the potential to impact different receptors at different times. The approach used in the DEIS was valid. It has been updated based upon revised traffic volumes and site plan changes.

The Pugsley Road intersection with Rt. 312 is 0.9 miles from Hunters Glen and 1.25 miles from Twin Brooks. The interchange at I-84 is 1.1 miles away from Hunters Glen and 1.4 miles from Twin Brooks. These segments were not analyzed because there were no nearby sensitive receptors.

Since the screening procedures used demonstrated that there would be no adverse impacts using computer models such as TNM is not required.

Comment No. 14-33

Is the applicant prepared/willing to commit to maintaining the assertions made in the DEIS, for example:
◦ *The noise level at the test point will stay within the current levels.*
(B-154, Carlos Passi)

Response No. 14-33

As explained in Response No. 14-6, the Applicant has committed to keeping the HVAC noise more than 9 dBA below the Noise Ordinance limit of 55 dBA.

Truck noise on-site and the associated proposed mitigation measures as described in Response No. 14-9. As explained there, maximum on-site truck noise is projected to be below 35 dBA.

Comment No. 14-34

Is there any plan to remediate the extra noise that will come from I84 due to this increased traffic, especially trucks down-shifting or accelerating due to the hills around exit 19? The neighborhoods surrounding this corridor are already suffering as traffic grows, this will only magnify the problem.
(B-157, Robert Zubrycki)

Response No. 14-34

As explained in Responses No. 14-5, 14-18, and 14-32, there would be no noticeable difference in truck noise from I-84 or Exit 19.

Comment No. 14-35

The trucks will also cause substantial noise. The builders state they will have trucks travel mostly off-peak. As someone living nearby, that is not reassuring! I don't want to be hearing diesel trucks gearing up and down at all hours.
(B-176, Dr. Bernadette Brandon)

The trucks will also lead to increase noise, especially on off peak hours when residents are hoping to rest.
(B-180, Dr. Chelsea Laber)

Response No. 14-35

Truck noise on-site has been addressed in Response No. 14-9.
Truck noise on the local roads has been addressed in Response No. 14-5.

Comment No. 14-36

So, Dan, I'm curious to know if a Jake brake or engine braking can be prohibited in this area. I understand it can. I'm not sure if you've looked into that.
(B-145, Hearing No. 3 (Mr. Larca))

These trucks and others traveling throughout our town frequently use Jake brakes to slow their vehicles. A Jake brake (Jacobs Vehicle Systems) operates by using the engine as a compressor, which emits a loud noise from the exhaust. As these are legal devices, the town would be hard-pressed to restrict their use or to enforce any regulation.
(B-152, Bradley Schwartz, Ph.D.)

Jake Brake/Engine brake – Can this be limited in the area surrounding this project?
(B-158, Eric Larca)

and the use of the "Jake Brake" which is super loud.
(B-171, Stefani Gosselink (Larry Martinez))

Response No. 14-36

Compression brakes, commonly known as "Jake" brakes, are only used when trucks are traveling at high speeds and need to slow down quickly. At the slower speeds the trucks would be operating on Pugsley Road and on the site, there would be no need to use a Jake brake system. In addition, the Applicant is willing to erect a sign on Pugsley Road near Route 312, stating: Truckers Quiet Zone: NO JAKE BRAKES

COMMERCIAL CAMPUS AT FIELDS CORNER

NY 312 & PUGSLEY ROAD TOWN OF SOUTHEAST, NEW YORK

NOISE MONITORING LOCATIONS

DATE: 03/2019 JMC PROJECT: 14012

FIGURE: III.14-1 SCALE: N.T.S.

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III.15 Construction

Comment No. 15-1

The FEIS should include a discussion of potential air quality impacts associated with off-site vehicle operations. Discussion should include available relevant information (i.e. number of work vehicles, number of heavy-duty trucks, references to any traffic comparison to the operational traffic analysis.)
(B-1, AKRF)

Response No. 15-1

The construction traffic, as explained below, would be far less than the operational traffic during the peak travel time periods and therefore would not create any air quality, noise or roadway capacity issues.

There would be an estimated 50 to 120 workers present on-site depending on the construction activities underway on a given day. Since the typical construction day is 7 am to 4 pm, it is anticipated that 90% of the workers would arrive before the am peak hour (7:30 am to 8:30 am) and that 95% would leave before the beginning of the pm rush hour (5:00 pm to 6:00 pm). A comparison of the construction peak hour trips vs the operational peak hour trips is presented below.

Time Period	Construction Trips			Operation Trips[3]	Construction as a % of Operation
	Workers[1]	Trucks[2]	Total		
AM Peak Hour	12	3	15	120	13%
PM Peak Hour	6	1	7	145	5%

1 - assumes a maximum of 120 workers

2 - assumes most deliveries are off-peak

3 - value is for one building out of two

Comment No. 15-2

The FEIS should include a discussion of emissions from on-site construction equipment. Comparison to the operational air quality assessment is not sufficient as there will be no such sources in the Future with the Proposed Project.
(B-1, AKRF)

Response No. 15-2

The current NYSDOT guidelines (NYSDOT Environmental Procedures Manual (EPM)) Chapter 1.1 Section 15 states that:

Modeling of carbon monoxide (CO) or respirable particulate matter (PM10) impacts from construction is not normally required, because any construction-related activities that cause temporary increases in emissions are self-correcting once the project is completed. However, there has been growing concern about air quality impacts due to traffic diversions on long-lasting construction projects. Consequently, if construction diversions or detours lasting 2 years or more (at a minimum, two consecutive CO seasons) at any one location, or permanent improvements to other facilities as a result of project detours/diversions are anticipated, an air quality analysis should be performed.

New York City's (NYC's) City Environment Quality Review (CEQR) Technical Manual, Chapter 22: Construction states:

> Where the duration of construction is expected to be short-term (less than years), any impacts resulting from such short-term construction generally do not require detailed assessment.

The two buildings in the Preferred Alternative can each be constructed in approximately 18 months. The minimum distance of the two buildings is even farther

from the nearby residents as compared to the DEIS plan and are far from the residences, as summarized below.

CC&FC Building Number	Distance from Building to Closest Residence, Feet		
	Hunters Glen	Twin Brooks	2 Homes in Paterson
A	2,400	3,300	3,300
B	1,400	1,200	1,700

Because the construction periods are each less than two years and building construction is at very large distances (greater than ¼ mile) from the nearest homes, a detailed analysis of air quality emissions during construction is not warranted.

Comment No. 15-3

The timeline - - as far as if this were to break ground, what is the proposed construction of the first phase, so we see that broken out?
(B-2, PH #1, Mr. Catalano)

Response No. 15-3

The project would be phased. Work would commence for Phase I with the site work associated with Building A, followed by the construction of this building. Subsequently, Phase 2 site work would be completed followed by the construction of Building B. However, should a client prefer Building B, work would commence on Phase 2 first.

The total development cycle (site work plus building construction) would take approximately 18 months for each of the two proposed buildings, with no overlap. Thus, construction would take approximately 3 years in total. Site work for each building is anticipated to take approximately 40 weeks, with the construction of each building taking approximately one year. All off-site improvements would be

completed concurrently with the completion of the site work for Phase 1.

Comment No. 15-4

But obviously, the proximity to the residences at Twin Brook are of particular concern to us.

Among other things, we are concerned about the impact of construction being so close to the residences and steps that will be taken to mitigate any construction.
(B-2, PH #1, Mr. Waldinger)

Response No. 15-4

Most of the construction for the buildings is far from the residences. See Response No. 15-2. In the Preferred Alternative, the closest building (Building B) is an additional 600 feet away from Twin Brook Manor as compared to Building 4 in the DEIS. That being said, site work construction would occur at similar locations and distances as described in the DEIS.

Mitigation measures for noise were discussed in Section III.L.5 of the DEIS, and for air quality in Section III.N.5.

Comment No. 15-5

I can't imagine that all this construction that would be going on, that you would not be able to hear that all throughout the two -- the two complexes.
(B-2, PH #1, Ms. Carroll)

Response No. 15-5

With respect to noise impacts, construction activities would be limited to the hours and days as provided for in the Noise Ordinance. Worst case noise levels during building construction were presented in Table III.L-9 of the DEIS. It is reproduced below for comparison purposes.

Receptor #	Building #1		Building #2		Building #3		Building #4	
	Lmax	Leq	Lmax	Leq	Lmax	Leq	Lmax	Leq
1	54	50	56	52	61	57	61	57
2	51	47	52	48	56	52	58	54
3	51	47	53	49	57	53	69	65
4	51	47	54	50	56	52	65	61
5	55	51	56	52	60	56	60	56

The new table of worst-case building construction noise levels is presented below.

Receptor #	Building A		Building B	
	Lmax	Leq	Lmax	Leq
1	56	52	61	57
2	54	50	59	55
3	53	49	62	58
4	53	49	59	55
5	56	52	60	56

In comparing the two tables, worst-case building construction noise levels are essentially the same at Receptors 1, 2 and 5 in Hunters Glen. However, because of the reduced size and number of buildings, and shortened construction schedule the overall construction impacts would be less. Since Building B is farther south than the previously proposed Building 4, projected building construction noise levels at Receptor #3 (Hunters Glen) and Receptor #4 are 6 to 7 dBA lower, which is a significant reduction. That being said, site work construction would occur at similar locations and distances as described in the DEIS.

As discussed in the DEIS the average noise levels would be 3 to 6 dBA lower than the worst-case noise levels. The construction noise would be audible at times but would

not be as loud as the peak noises (e.g. lawn mowing and other landscaping activities, car and truck traffic in the communities, trash removal, air conditioners, and snow removal) that exist in the communities now.

Comment No. 15-6

Potential hazardous runoff - - hazardous runoff from hundreds of construction and delivery vehicles, and the result in pollution.
(B-3, PH #2, Mr. Catalino)

Response No. 15-6

An Erosion and Sediment Control Management Program would be implemented for the proposed development, beginning at the start of construction and continuing throughout its course, as outlined in the "New York State Standards and Specifications for Erosion and Sediment Control," dated November 2016. A continuing maintenance program would be implemented for the control of sediment transport and erosion control after construction and throughout the useful life of the project.

The Applicant would have a qualified professional conduct an assessment of the site prior to the commencement of construction and certify that the appropriate erosion and sediment controls, as shown on the Erosion & Sediment Control Plans, have been adequately installed to ensure overall preparedness of the site for the commencement of construction. In addition, the Applicant would have a qualified professional conduct one site inspection at least every seven calendar days and at least two site inspections every seven calendar days when greater than five acres of soil is disturbed at any one time. As part of the Erosion and Sediment Control measures, in accordance with NYSDEC regulations and as stated in the SWPPP, post-spill procedure information must be provided on-site, and persons trained in handling spills must either be on-site or on call at all times. Materials for cleaning up spills are to be kept on-site and easily available.

As a result of these standard practices, no hazardous runoff is be anticipated from construction activities.

Additional details may be found in the DEIS Section III.D.4.e

Comment No. 15-7

This construction project will have a detrimental effect to our surrounding areas because of the noise, air quality, infringement on surface water that drains into the Middle Branch Reservoir and wetlands.
(B-7, Patricia Williamson)

Construction [noise pollution]
(B-101, Jack Pizzicara)

I am very concerned about the noise and air pollution just during the construction period only.
(B-103, Donna Shenkman)

During the ***unspecified time allotted for construction****, (which is proposed to have more than one phase), the project would* ***exceed ambient noise levels****.*
(B-104, Nathalie Del Vecchio and Roberto Molina)

Response No. 15-7

Additional details regarding the construction schedule may be found in Response No. 15-3.

With respect to potential water quality impacts: because of preparation and implementation of a Soil and Erosion Control Plan (see Response 15-6), and the proper placement of tracking pads and wash stations to ensure that trucks do not

bring soil from the site when they leave, there are no anticipated water quality impacts to wetlands or waterbodies anticipated.

With respect to potential air quality impacts, building construction activities would occur far from any residents. As discussed in Response No. 15-2, the project has been downsized and moved further from Twin Brook Manor. Buildings A and B are approximately ¼ mile from the closest residences. Because of the large distances, there are anticipated to be no adverse air quality impacts during construction.

With respect to noise impacts related to construction activities see Response No. 15-5.

Comment No. 15-8

The construction of such an enormous project will impact not only residents but all who want to visit our area.
(B-33, Marie DiDonato)

Response No. 15-8

Construction activities that would occur in areas where visitors may be traveling are the addition of one lane in each direction on NY 312 from the Pugsley Road intersection to the I-84 Eastbound ramps/Independent Way. Also, a demand-responsive signal is proposed at the intersection of NY 312 with Pugsley Road. However, a Work Zone and Traffic Control Plan would help minimize disruptions to the traveling public. No improvements are proposed for US 6 or Fair Street. Improvements to Pugsley Road, which is less traveled, would include widening and reconstruction to heavy-duty pavement standards that are designed to accommodate the type of truck traffic anticipated at the proposed facility.

Comment No. 15-9

The hours of construction (7:00 am to 8:00 pm on weekdays and 9:00 am to 5:00 pm on Saturdays) are unacceptable. Given the massive size of the development and the proximity to residences we urge that work that would entail any use of construction vehicles, blasting or chipping, or other work that would increase noise at the Hunters Glen property line be limited from 9:00 am to 5:00 pm on weekdays, and prohibited on holidays and weekends.
(B-98, Snyder & Snyder)

Tractor-Trailers in small roads is recipe for disaster and accidents.
(B-98, Snyder & Snyder)

Response No. 15-9

During construction, this project would comply with the Town's Noise Ordinance, *Chapter 96, Noise*.

Comment No. 15-10

A detailed construction phasing plan is not provided in the DEIS and SWPPP. In addition, the associated sequence of operations within each construction phase is missing. These required elements must be addressed.
(B-108, Watershed Inspector General)

Can you break down the project by year starting in year zero? To include:
◦ Construction timetable: roads, infrastructure, round-about, buildings
(B-154, Carlos Passi)

What is the sequence and time frame of the build out/construction of each warehouse? Will the excavation be done for all four warehouses at once or would each individual warehouse

be built entirely as a separate project?
(B-155, Cathy Croft)

Response No. 15-10

See Response 15-3. The roadway improvements would be constructed concurrently with the site work and would be completed by the completion of the first building.

Comment No. 15-11

The site plans provided do not demonstrate that adequate phasing has been achieved through a balanced erosion and soil control plan to minimize the potential impacts to land and water. A cut and fill balance must be provided to realistically show that the project can be built and remain under the NYSDEC five (5) acres maximum clearing limit at any one time.
(B-137, NYCDEP)

Response No. 15-11

Due to the relatively large size of the proposed buildings to be constructed and related improvements, the Applicant would seek a waiver from the 5 acre limit from the regulated, traditional land use control MS-4 (Town of Southeast).

The intent of the grading design of the site is to balance the earthwork, such that no excess material would need to be exported off of the site, and no material would need to be brought into the site as fill. The current grading design results in an approximate balance with 622,000 cubic yards of cut and the same quantity of fill, for a net site balance. The site is large, and should it be necessary any excess amount of excavated material would be utilized as berm material within the limit of disturbance.

III.16 Air Quality

Comment No. 16-1

The FEIS should include definition of PM2.5 and PM10.
(B-1, AKRF)

Response No. 16-1

$PM_{2.5}$ are particulates with a diameter of 2.5 micrometers or less.
PM_{10} are particulates with a diameter of 10 micrometers or less.

Comment No. 16-2

The FEIS should include time averaging periods for each pollutant.
(B-1, AKRF)

Response No. 16-2

The revised Table III.C.16-1 is presented below (was Table III.N-1 in the DEIS).

Table III.C.16-1 (revised)
Representative Monitored Ambient Air Quality Data (2016)

Pollutant	Location	Units	Averaging Period	Concentration	NAAQS
CO	Botanical Garden (Pfizer Lab), Bronx	ppm	8-hour	1.1	9
			1-hour	1.86	35
SO_2	Mt. Ninham, Putnam	ppb	3-hour		500 (6)
			1-hour	4.7 (1)	75
PM_{10}	IS 52, Bronx	µg/m³	24-hour	37	150
$PM_{2.5}$	Newburgh, Orange	µg/m³	Annual	6.9 (2)	12
			24-hour	17.5 (2)	35
NO_2	Botanical Garden (Pfizer Lab), Bronx	µg/m³	Annual	30	100
			1-hour	109 (3)	188
Lead	Wallkill, Orange	µg/m³	3-month	0.022 (4)	0.15
Ozone	Mt. Ninham, Putnam	ppm	8-hour	0.069 (5)	0.070

Notes:

+ Indicated values exceeding the National Ambient Air Quality Standards (NAAQS).

(1) The 1-hour value is based on a three-year average (2014-2016) of the 99th percentile of daily maximum 1-hour average concentrations. EPA replaced the 24-hr and the annual standards with the 1-hour standard.

(2) Annual value is based on a three-year average (2014-2016) of annual concentrations. The 24-hour value is based on the 3-year average of the 98th percentile of 24-hour average concentrations.

(3) The 1-hour value is based on a three-year average (2014-2016) of the 98th percentile of daily maximum 1-hour average concentrations.

(4) Based on the highest quarterly average concentration measured in 2016.

(5) Based on the 3-year average (2014-2016) of the 4th highest daily maximum 8-hour average concentrations.

(6) Not to be exceeded more than once per year.

Sources:

New York State Air Quality Report Ambient Air Monitoring System, DEC, 2016

Comment No. 16-3

The FEIS should remove rescinded S02 annual NAAQS threshold and monitored concentration from Table III.N-1 and update table footnotes.
(B-1, AKRF)

Response No. 16-3

See Response No. 16-2.

Comment No. 16-4

The FEIS should include S02 3-hour NAAQS threshold and monitored concentration into Table III.N-1 and update table footnotes.
(B-1, AKRF)

Response No. 16-4

See Response No. 16-2.

Comment No. 16-5

The FEIS should include discussion of stationary air quality sources, if any, that would be introduced/changed in the Future without the Proposed Project from the Existing Conditions.
(B-1, AKRF)

Response No. 16-5

The Applicant has no information on any stationary air quality sources that would be introduced/changed in the future without the proposed project.

Comment No. 16-6

NYSDOT's mobile source screening guidance does not assess the potential air quality conditions in the Future without the Proposed Project, nor was the guidance used to assess the air quality conditions. The FEIS should provide this information.
(B-1, AKRF)

Response No. 16-6

The guidance references ETC (estimated time of completion) and comparing build to no-build. See Response No. 16-15.

Comment No. 16-7

Page III.N-4 indicates that "The volume of cars and trucks (including heavy equipment) will be less than that during the operation of the facility." The air quality analysis should reference where this has been determined.
(B-1, AKRF)

Response No. 16-7

The construction traffic as described in the Construction section of this FEIS would be far less than the operational traffic during the peak travel time periods and therefore would not create any air quality, noise or roadway capacity issues. See Response No. 15-1.

Comment No. 16-8

The FEIS should include definition of "de minimis" as it relates to the threshold for air quality impacts.
(B-1, AKRF)

Response No. 16-8

The sentence in the DEIS is revised as follows:

Thus, any pollutant emissions from motor vehicles during construction, as explained in the DEIS Construction Section III.M.4, would be less than during operation, and not cause any violation of the NAAQS.

Comment No. 16-9

Per EPM Chapter 1.1 Section 15, include discussion of the duration of construction work, its schedule and the type of work being done.
(B-1, AKRF)

Response No. 16-9

Additional discussion of the construction work and schedule are provided in Response 15-3.

Specifically, with respect to air quality, there are two pertinent items from the NYSDOT Environmental Procedures Manual (EPM) Chapter 1.1, Section 15. The first one is:

> *Typical measures include wetting of exposed soil and covering of trucks and other dust sources.*

These are standard mitigation practices that would be employed on all phases of construction, including the off-site road improvements, site clearing, and site grading.

The second one is:

> *Consequently, if construction diversions or detours lasting 2 years or more (at a minimum, two consecutive CO seasons) at any one location, or permanent improvements to other facilities as a result of project detours/diversions are anticipated, an air quality analysis should be performed.*

The off-site road improvements to support the Preferred Alternative are anticipated to include the following items:

- Widening NY 312 from Pugsley Road to I-84 from 2 lanes to 4 lanes;
- Improvements to Pugsley Road (from Route 312 to Barrett Road) would include both widening and reconstruction to heavy-duty pavement standards that are designed to accommodate truck traffic;
- A traffic signal would be provided as a traffic control device at the intersection of Pugsley Road and Route 312;
- North of Barrett Road, Fields Corner Road would not be improved and would use some form of signage/gate as suggested by the County Sheriff (Appendix I-1) or other mechanism, as determined by the Town of Southeast, so as to restrict truck access to the local road to/from Patterson. Fields Corner Road would remain closed and not maintained to the north of the project during winter months as is currently the case.

Since there would be no traffic diversions and each building can be constructed in less than 2 years, no air quality analysis is required for the off-site improvements.

Comment No. 16-10

Include discussion of emissions from on-site construction equipment. Comparison to the operational air quality assessment is not sufficient as there will be no such sources in the Future with the Proposed Project.
(B-1, AKRF)

Response No. 16-10

See Response 15-2.

Comment No. 16-11

Page III.N-5 states, "Because all traffic passing the site (i.e. not just that associated with the construction) can re-suspend the deposited material, this "secondary" source of emissions may be more important than all the dust sources actually within the construction site." It is unclear from the discussion that this is the case. The FEIS should provide more rationale.
(B-1, AKRF)

Response No. 16-11

This sentence was simply stressing the importance of not tracking soil off-site where it can become airborne due to all traffic (both construction traffic and the traffic on the road in question).

Comment No. 16-12

Particulate matter is both a primary and principal pollutant of concern with vehicular exhaust emissions. Per NYSDOT guidance (EPM Chapter 1.1 Section 8), include discussion of PM and whether quantitative hot-spot analysis is warranted.
(B-1, AKRF)

Response No. 16-12

The discussion in EPM Chapter 1.1 Section 8 as it pertains to $PM_{2.5}$ and PM_{10} is for nonattainment and maintenance. Since Putnam County is in attainment for both $PM_{2.5}$ and PM_{10} a quantitative hot-spot analysis is not warranted.

Comment No. 16-13

Page III.N-6 states, "Since ozone and smog formation is a low process with occurs outside the primary impact area of the project, these pollutants are reviewed only on a regional (mesoscale) basis, not a local (microscale) basis." The DEIS did not include a review of regional impacts. The FEIS should include a discussion why a regional analysis is not warranted.
(B-1, AKRF)

Building 4 is contemplated to have a cooling system, which, again, provides emission and more noise. How does that affect your calculations?
(B-3, PH #2, Ms. Armstrong)

Response No. 16-13

The criteria for the requirement of a mesoscale analysis as stated in EPM Chapter 1.1 Section 9.A.ii are as follows:

> *Projects with build alternatives that could have a significant impact on emissions on a regional basis should have a mesoscale analysis performed. Examples of these types of projects include:*
>
> - *HOV lanes vs general use lanes,*
> - *new or significant modifications to interchanges on access-controlled facilities,*
> - *large-scale signal coordination projects,*
> - *in an attainment area, projects having alternatives (including the no-build) with significantly different (10%) vehicle miles traveled (VMT),*

- *in nonattainment and maintenance areas and included in the regional emissions analysis supporting the conformity determination for the TIP and Plan, projects having build alternatives with significantly different (10%) VMT.*

- *widening to provide additional travel lanes more than a mile in length*

Regarding these examples:

- no HOV lanes are proposed;
- no significant modifications to the I-84 interchange are proposed;
- no traffic signals are being coordinated on a large scale basis, and;
- no widening to provide additional travel lanes more than a mile in length is proposed.

With respect to VMT increases, for roadways within a three-mile radius of the project site for which traffic volumes (no-build and build) are available, the Applicant has the following 15 links that were analyzed:

Roadway	**Link**		**Length, miles**
	Start	**End**	
US 6	NY 312	NY 52	2.4
US 6	NY 312	N. Main St.	2.0
NY 312	US 6	Prospect Hill Rd.	0.5
Prospect Hill Road	NY 312	Train	0.9
NY 312	Prospect Hill Road	Pugsley Road	0.2
Pugsley Road	NY 312	Site	0.5
NY 312	Pugsley Road	CareMount	0.2
CareMount	NY 312	Site	0.2
NY 312	CareMount	I-84 EB Ramps	0.2
I-84 EB Ramps	NY 312	I-84	0.2
Independence Way	NY 312	Site	0.5
NY 312	I-84 EB Ramps	I-84 WB Ramps	0.3
I-84 WB Ramps	NY 312	I-84	0.2
NY 312	I-84 WB Ramps	International Blvd.	0.1
NY 312	International Blvd.	NY 22	2.6
TOTAL			11.0

Using the AM and PM peak hour traffic for five days a week and the Saturday peak hour for 2 days a week, there is projected to be a 2.2.% increase in VMT on a weekly basis for the Preferred Alternative.

Since such a small network was used, and the high volume I-84 was not included because of lack of comparable data, it is clear that the added VMT is far less than 10%. Also, it should be noted that the majority of that VMT increase was due to cars, with less than 1% due to trucks.

Thus, since none of the criteria are met, a mesoscale analysis is not required.

The rooftop cooling equipment would be powered by electricity and would not result in any on-site air pollutant emissions. The noise analysis of the rooftop HVAC equipment was presented in Table III.L-12 in the DEIS. See also Response No. 14-6.

Comment No. 16-14

The FEIS should include a complete description of the LOS Screening, Capture Criteria Screening, and Volume Threshold Screening per EPM Chapter 1.1 Section 9(A)(i). The DEIS discussion does not make clear that intersections that fail LOS Screening are screened for each of the Capture Criteria and for those that fail one of the Capture Criteria are screened using the Volume Threshold Screening methodology.
(B-1, AKRF)

Response No. 16-14

The screening methodology is quoted below:

I-1. Level of Service (LOS) Screening

Intersections impacted by a project, with a build Estimated Time of Completion (ETC), ETC+10, and ETC+20 LOS of only A, B, or C, are generally excluded from microscale air quality analysis. The LOS levels are as defined by the Highway Capacity Manual (HCM). Regardless of the LOS, if there are potentially sensitive receptors, i.e. schools, hospitals, retirement communities, etc., the REC/RELM (Regional Environmental Contact/Regional Environmental-Landscape Manager) or EAB staff should be contacted to determine if a microscale analysis may be appropriate.

If there is no documented LOS information for an intersection or it cannot be calculated due to overcapacity traffic volumes, the intersection will be deemed to have a LOS of D or worse.

I-2. Capture Criteria Screening

Intersections and roadways impacted by the project and exhibiting ETC, ETC+10, or ETC+20 build LOS D, E, or F will be screened by the criteria below:

1) a 10 % or more reduction in the source-receptor distance (that is, the straight line distance between the edge of the travel lane closest to the receptor and that point of the receptor closest to the roadway);

2) a 10 % or more increase in traffic volume on affected roadways for ETC, ETC+10 or ETC+20;

3) a 10% or more increase in vehicle emissions for ETC, ETC+10 or ETC+20; Increases in vehicle emissions can be due to speed changes,

changes in operating conditions (hot/cold starts), changes in vehicle mix, etc.

4) any increase in the number of queued lanes for ETC, ETC+10 or ETC+20; This criterion applies to intersections. Typical projects that may result in an increase in the number of queued lanes include intersection channelization projects and projects that install turn lanes at intersections. It is not expected that intersections in a build alternative controlled by stop signs will require an air quality analysis. If a particular stop sign situation may be appropriate for analysis, consultation with EAB is encouraged.

5) a 20% reduction in speed, when Build estimated average speed is at 30 mph or less.

If the impacted intersection or roadway meets any one of the applicable criteria above, the use of the volume and emission factor chart is needed to do the volume threshold screening. If none of the criteria is met, the project does not need a microscale air quality analysis. Here, the project does not need a microscale air quality analysis since none of the criteria are met.

Comment No. 16-15

Per EPM Chapter 1.1 Section 9(A)(I-2), if any of the capture criteria is met, the intersection is subject to further screening using the Volume Threshold Screening methodology. All five capture criteria should be assessed at intersections that have failed the LOS Screening.
(B-1, AKRF)

Response No. 16-15

The screening for the Preferred Alternative is presented below:

Intersection	Level of Service		
	AM	PM	SAT
1	C	E	C
2	Unsignalized		
3	A	B/A	A
4	Unsignalized		
5	D	D	D
6	B	C	C
7	A	B	B

All intersections screen out except #1 in the PM, and #5 for all time periods.

Intersections 2 and 4 are and would remain, unsignalized, and Intersections 3, 6, and 7 screen on the basis of LOS. These five intersections would not be discussed further.

Intersection 1 (NY 312 and US 6) has a LOS of F in the no-build, and the traffic increase from no-build to build is only 1.3%. With improved signal timing the no-build intersection delay of 99 seconds can be reduced to 71 seconds in the build (and the LOS improved from F to E). No physical changes are proposed at that intersection. Thus, none of the criteria are exceeded, and Intersection 1 also screens out.

Intersection 5 (NY 312, Independence Way, & the I-84 EB Ramps) is LOS D for all time periods in no build and build, but as summarized below it also screens out, since the traffic increases are less than 10% and emissions are reduced because of reductions in delay.

Time Period	Percent Increase in Traffic		Delay, seconds	
	No Build	Build	No Build	Build
AM	-	4.1	46	42
PM	-	3.8	42	37
SAT	-	1.0	46	37

Comment No. 16-16

The traffic volume increase criteria does not consider if an exceedance represents the time period with the highest total traffic volumes. Per EPM Chapter 1.1 Section 9(A)(I-2), Intersection 5 is subject to further screening using the Volume Threshold Screening methodology.
(B-1, AKRF)

Response No. 16-16

The screening has been redone with new traffic volumes and LOS. See response 16-15.

Comment No. 16-17

It is unclear what on-site vehicle operations would be included as part of the Proposed Project (i.e. surface parking lot, parking garage, internal roadways). The FEIS should include a description of on-site vehicle operations with available relevant information (i.e. dimensions, exhaust points, number of vehicles anticipated to be operating, etc.).
(B-1, AKRF)

Response No. 16-17

There would be surface parking for employees and trucks, along with truck loading/unloading areas and truck trailer parking, and these are part of the proposed project. No parking garage would be provided on the site. Trucks would arrive at the facility at a scheduled time. The buildings would be equipped with dynamic loading docks to ensure quick turnaround for trucks to get into and out of their facility. Warehouses/distribution centers generally want trucks to only remain on-site for as long as it takes to unload and reload them. Each individual tenant at a warehouse/distribution center usually has a full-time shipping and receiving supervisor during trucking operations. This supervisor is charged with making sure that trucks enter and exit the site as quickly as possible, at the scheduled times.

While the goal at every warehouse/distribution center is to get truckers in and out of the site as quickly as possible, it is standard practice for a tenant to provide a basic lounge for truck drivers to use while their trucks are being unloaded and reloaded. Such facilities never provide an overnight facility and truck drivers never sleep overnight in their trucks.

There are separate access driveways from Pugsley Road to the two buildings proposed in the Preferred Alternative Plan. One driveway serves Building A and the other serves Building B. Each building has loading docks, trailer parking spaces, car parking spaces, and drive aisles for access. All of the improvements are at grade.

The car parking is primarily for workers, with some visitors likely.

Comment No. 16-18

Natural gas emissions from on-site fuel combustion is not insignificant; therefore, an assessment of the air quality impacts should be done. Assessment should include discussion

of nearby receptor locations, emissions intensity, and any equipment technology included as part of the project.
(B-1, AKRF)

Response No. 16-18

In the Preferred Alternative the estimated size of the direct-fired rooftop-mounted gas heaters would be as follows:

- Building A – 32 MBTUs/hr
- Building B – 66 MBTUs/hr
- Total - 98 MBTUs/hr

Some natural gas would be used to heat water in a hot water tank for use in the restrooms, etc.

Air Pollution (AP)-42 emission factors for natural gas are summarized below:

Pollutant	Emissions, lb/10^6 scf	Emissions, lb/MMBTU
NO_x - uncontrolled	190	0.19
NO_x – controlled low NOx	140	0.14
CO	84	0.082
$PM_{2.5}$	7.6	0.0075
PM_{10}	7.6	0.0075

The total hourly emissions for 98 MMBTU/hr are summarized below:

Pollutant	Emissions, lb/hr
NO_x - uncontrolled	19
NO_x – controlled low NOx	14
CO	8.1
$PM_{2.5}$	0.73
PM_{10}	0.73

At this time, it is not known as to whether or not NYSDEC would require any NO_x control.

As explained below the stack emissions would be high above the homes at Hunters Glen and Twin Brooks.

Building	Ground Elevation	Roof + Stack	Elevation of Emissions	Hunters Glen		Twin Brooks	
				Min Elevation	Max Elevation	Min Elevation	Max Elevation
A	649	50	699	525	540	570	580
B	672.5	50	723	525	540	570	580

Height Of Air Discharge Above Hunters Glen, feet		
Building	Minimum	Maximum
A	159	174
B	183	198

Height Of Air Discharge Above Twin Brooks, feet		
Building	Minimum	Maximum
A	119	129
B	143	153

Building	Estimated Minimum Distance from Discharge to Nearest Unit, feet	
	Hunters Glen	Twin Brooks
A	2,600	3,600
B	1,800	1,600

Because of the large vertical and horizontal distances, the impact of natural gas emissions on air quality from on-site fuel combustion is not anticipated to be significant.

<u>Comment No. 16-19</u>

I just looked up the idle while you were presenting. I think it's five minutes unless it's below 25 degrees. Can anything be in the building to accommodate trucks so the diesel's not gelling or something along those lines in cold temperatures?
(B-2, PH #1, Mr. Larca)

Response No. 16-19

Idling would be prohibited at warehouse/distribution centers and is actively enforced by the warehouse manager. A driver's lounge would be provided, which would have a separate entrance from the warehouse, and the drivers would not be permitted into the warehouse. Some drivers may not stay on the site more than 15-20 minutes if they are to drop off a load and pick-up a preloaded load. A couple of outlets would be provided at each building to enable trucks to plug in during the coldest winter weather, rather than keeping their engines running for an extended period of time. In general, the New York State Environmental Conservation Law prohibits trucks from idling on the site for more than five minutes at a time. The exception is for diesel-fueled trucks operating in an ambient air temperature below 25°F for more than 2 hours.

Comment No. 16-20

Third, significant amount of air pollution. Define "significant." Not - - not funny words, numbers. How are you heating these warehouses in the wintertime? That's more air pollution. (B-2, PH #1, Ms. Fay)

I mean, there's more science facts now about diesel fuel and diesel exhaust and the effect on kids and asthma. So I have two studies here that I'd like to share with you. I'm not going to read them. I'm just going to hand them off about the World Health Organization and why it's so important to be very conscious about the exhaust. Not only the trucks themselves, but people waiting in traffic and, therefore, our own exhaust from our own cars. How is it affecting our health?

Two press articles were provided by Ms. Rabinowitz with no source provided. Stating that diesel engine exhaust is one important factor contributing to the "allergy pandemic" and diesel engine exhaust is a Group 1 carcinogen and may make an individual susceptible to asthma.
(B-2, PH #1, Ms. Rabinowitz)

I am concerned about the pollution, the five-minute idling time. Trucker will take a ticket rather than turn around and shut down. For what it costs him to have it un-gel, the diesel, it's a big deal. And we talk about it just being the winter. When those guys have to sit, and it's hot out like it's been last week and they have their, you know, sleepers, and they're staying overnight, they're running their ACs. They'll take the ticket. There's not too much anybody can do other than tell him to shut it down. Here's your ticket.

You're talking over - - about $300,000 for the more efficient trucks. Most of the trucks are on the road are 2014 back, 2011.
(B-2, PH #1, Ms. Russo)

(One of my concerns is the) Environment – Pollution, Diesel Fuel
(B-9, James Scomillio)

If you look at the data and research about the adverse life-long conditions diminished air quality cause you'd be stunned that this has gotten this far. A mile from our schools and our neighborhoods - to subject our children (and adults, elderly, etc.) to increased asthma, autism, autoimmune conditions, allergies, heart disease... is terrible.
(B-17, Erin Loosen)

Two press articles were provided, with no source provided, claiming diesel engine exhaust is one important factor contributing to the "allergy pandemic", and diesel engine exhaust is a Group 1 carcinogen and may make an individual susceptible to asthma.
(B-43, Nina Walters)

*Increased traffic along the surrounding roads could also lead to **soil pollution** due to exhaust fumes and **air pollution** that could result in increased cases of asthma, especially in citizens who are young, elderly, or people with compromised immune systems due to pre-existing illnesses.*
(B-104, Nathalie Del Vecchio and Roberto Molina)

(There will be) air pollution.
(B-179, Alice Brandon)

We know that the quality of our air is directly related to our health. Every stage of our lives-from infancy to our death we rely on clean air. Isn't clean air and water worth preserving?
(B-179, Alice Brandon)

I am very concerned about the air (pollution).
(B-180, Dr. Chelsea Laber)

Over 500 truck trips per day are going to have a serious negative Impact on the air
(B-180, Dr. Chelsea Laber)

The community will be subjected to unnecessary levels of diesel fumes which have been shown to be very bad for your health.
(B-180, Dr. Chelsea Laber)

<u>Response No. 16-20</u>

Response 16-23 explains the generally very good air quality in the region. A calculation (Response 16-13) showed that the increase in regional emissions from the project would be so low that a full mesoscale analysis was not required. Thus, there would be no impacts to the "soil pollution" or the regional air quality.

Comment No. 16-21

You just glossed right over that. And you're telling me that 510 tractor trailers are going to have no impact on the environment. It just - - it's just ludicrous.
(B-2, PH #1, Ms. Armstrong)

Response No. 16-21

See Responses 16-17 and 16-23.

Comment No. 16-22

This is not to mention the pollution of our air.
(B-3, PH #2, Ms. Croft)

The health concerns from emissions.
(B-3, PH #2, Mr. Catalino)

(One of my concerns is the) Air pollution - Sewer Systems.
(B-9, James Scomillio)

The Northeast Interstate Logistics Center site is less than 2000 ft from where I'm living. The pollution.
(B-14, Shi Chen)

(500 trucks a day will create tremendous) air (pollution).
(B-19, Gail Rampolla)

(The additional tractor trailers and passenger cars will cause) more pollution in the air.
(B-20, Michele Carlson)

(Increase in) truck exhaust.
(B-21, Nina Walters)

And (the project will have a choking effect on) air quality.
(B-24, Paul Hondorf)

Our air quality should be protected.
(B-24, Paul Hondorf)

With this massive increase in congestion, what will be the impact on our air quality?
(B-26, Janet Keyes)

(The overdevelopment will bring excessive) air pollution.
(B-27, Linda Cuzzi)

(An enormous amount of truck traffic will influx the area causing excessive) pollution.
(B-28, Anthony Capizzi)

(The roads cannot handle) the pollution.
(B-32, Valerie Schmidt)

This is not to mention the pollution of our air.
(B-35, Christine Capuano)

My husband also has severe asthma and over time the smog will make our air thicker and more difficult to breathe.
(B-42, Laura Signorile-Smith)

(If this project is approved, some of the unfavorable that will occur are) emissions from trucks, construction equipment.
(B-48, Charles DiDonato & Marie DoDonato)

And our Environmental Health? With the quantity of trucks traveling in and out, and without a doubt, around our town roads, the environmental impact will be an absolute negative.
(B-52, Lawrence Martinez)

(A lot of us have left the City to avoid the) pollution.
(B-55, John Berasley)

Not to even mention the pollution from all the trucks.
(B-57, Valerie Schmidt)

Activities at the proposed Logistics Center will bring into Southeast a significant number of trucks, many of them large semi-trailers. The trucks will throw into our community's air a significant amount of poisonous, carcinogenic exhaust. The general pattern of wind flow in Southeast means that the poisonous exhaust will spread into most of the town.
(B-59, David Simington)

Building this facility will be disrupting which involves air.
(B-60, Vincent Stallone)

The pollution that this facility will produce - from truck emissions and construction equipment – will have a terrible environmental impact on the area.
(B-63, Dennis Farrell)

(It will also disturb nearby neighborhoods by) pump[ing] exhaust fumes into the air.
(B-64, Samantha Jacobs)

(A town filled with trucks and cars and) pollution
(B-64, Samantha Jacobs)

(Enjoying the peace and quiet of my community will be replaced with) pollution
(B-65, Susan Pesick-Pierro)

With construction and a 24/7 operation you can also add pollution.
(B-66, Lori Pesick-Pierro)

(The NILC would bring unprecedented) air pollution.
(B-68, KK Dorkin)

Pump exhaust fumes into the air.
(B-68, KK Dorkin)

Exposing us to air pollution.
(B-70, Helen Dorkin)

(The NILC would bring) environmental pollution.
(B-70, Helen Dorkin)

We all must do whatever we can to stop this development from going forth for our health and the health and wellbeing of all our children.
(B-71, Nancy Santini)

The Northeast Interstate Logistics Center site is about 1500ft from where I'm living. It will have multi threats to our daily life. The pollution.
(B-74, Ping Ye)

As well as the noise and exhaust pollution.
(B-75, Laurene and Robert Coyle)

Put all families in danger of toxic fumes on a daily basis.
(B-75, Laurene and Robert Coyle)

Let's also consider the damage to our wildlife, land and water sources as this pollution does not discriminate.
(B-75, Laurene and Robert Coyle)

I am not a scientist but can safely bet those diesel fumes will most certainly be a health hazard so our residents.
(B-85, Christine Capuano)

Our beautiful town will become a polluted.
(B-85, Christine Capuano)

And the air will get polluted from all the trucks.
(B-90, Challen Armstrong)

Nor do we want the potential pollution generated by trucking emissions.
(B-92, Karen Lynch)

And the air will get polluted from all the trucks.
(B-94, Israel Diaz)

500 Trucks on the road will increase the air pollution in our community.
(B-99, Pablo Diaz)

Further, the impact on air quality from 500 diesel trucks per day must be seriously considered.
(B-102, Nina Agnano and Steven Hamel)

(In addition to increased risk of harm to residents due to) pollution.
(B-107, Twin Brooks Homeowners Association, Inc.)

(The thought of) air pollution (just can't happen).
(B-109, Elena Tezzi)

Emissions from trucks and construction equipment.
(B-112, MaryAnn Bartolini)

(And people moved up here to get away from the) pollution.
(B-113, Nancy Santini)

(It will endanger the welfare of our citizens because of Increased (air (pollution)..
(B-118, Cherie Ingraham)

And pollution it will introduce into a rural area
(B-121, Joseph Dobies)

This project will also add pollution to the environment from the large trucks and additional cars to this area.
(B-122, Jeffrey Gampinsky)

The health of our residents is further imperiled by the dangerous increase in pollution that these 510 huge trucks and additional vehicles would bring into our lungs and lives.
(B-123, Jane DelBianco, Esq.)

Pollution level of 510 trucks daily.
(B-128, Patricia G.)

Environmental pollution, are not what we need.
(B-130, Salvatore Gambino)

What about the effect of all the diesel or gas fumes that will be coming from the multiple trucks going in and out of that property?
(B-132, Kathie Franco)

The safety of our children would be jeopardized with poor air quality across the street from George Fisher Middle School.
(B-134, Jon Scalzitti)

The impact to our standard of living to air pollution.
(B-135, Alison Yara)

Health concerns from emissions.
(B-138, Michael Catalano)

The projected 500 + daily trucks will spew exhaust fumes over the area especially in cold weather when trucks have to idle to warm up.
(B-143, Susan Rebentisch)

Pollution (would ruin our neighborhood) [at Hunter's Glen].
(B-148, Elena Tezzi)

And air quality would decrease significantly [on Hunter's Glen].
(B-150, George and Diana Thomas)

My concern over our air quality is primary.
(B-151, Miriam Yekutiel)

Emissions of 510 trucks on daily basis is not a joke.
(B-151, Miriam Yekutiel)

Degraded air quality [by significantly increased vehicle traffic].
(B-152, Bradley Schwartz, Ph.D.)

Trucks entering and exiting the area multiple times a day will only create more air pollution.
(B-160, Donald and Donna McAlphin)

Also, I love my gorgeous town the fresh air.
(B-170, Vanessa Mazzei)

Implausible 'Claims by the developers that there would be only minimal air [pollution not credible].
(B-172, David Buckner)

(Don't change our zoning laws in exchange for) air pollution.
(B-174, Christine Capuano)

I live about 1 mile from the site and I am very concerned about the air [pollution].
(B-176, Dr. Bernadette Brandon)

550 truck trips per day are going to have a serious negative impact on the air quality. Diesel fumes have been shown to be carcinogenic, as well as causing significant asthma and COPD.
(B-176, Dr. Bernadette Brandon)

I want to know who inspects the trucks so that those ignitions capture those - - capturing devices that should be on the trucks are there. Who? Who? Who does all of that?
(B-3, PH #2, Ms. Fanizzi)

Response No. 16-22

See Responses 16-17 and 16-23.

Comment No. 16-23

According to the 2018 American Lung Association's report on air quality in Putnam County, specific to our county, the Hudson Valley air quality is among the most polluted in New York State. Further, Putnam County slipped from Grade C to Grade D. And guess what the last one is. F.

High zone – high ozone and high particulate matter was measured between 2014 and 2016 for this study, and it dramatically de - - increased. In Section 3.N-6 of the DEIS, the applicant concludes that the project is not anticipated to significantly affect air quality conditions. Okay. Further, there are no violations of the National or the State guidelines. I beg to differ.

We have specific scientific information that says that the air quality in this county is bad and declining, and I want to know how you came to that conclusion.
(B-3, PH #2, Ms. Armstrong)

According to the American Lung Association's 2018 report, the Hudson Valley are among the most polluted in New York State and further Putnam County slipped from grade C to grade D. High Ozone and high particulate matter measured from 2014 to 2016 dramatically increased.
(B-87, Challen Armstrong)

The 2018 American Lung Association's report on air quality dropped Putnam County's grade from C to D. Is the town so desperate for a few bucks that it would endanger the health of its citizens along with the rest of Putnam County? The exhaust from these trucks have been

linked to pediatric and adult asthma. lung cancer, and COPD among a host of other ailments.
(B-90, Challen Armstrong)

The 2018 American Lung Association's report on air quality dropped Putnam County's grade from C to D. Is the town so desperate for a few bucks that it would endanger the health of its citizens along with the rest of Putnam County? The exhaust from these trucks have been linked to pediatric and adult asthma, lung cancer, and COPD among a host of other ailments.
(B-94, Israel Diaz)

Can we hear from some health officials as to the effect of diesel fumes, extra car traffic on people who have asthma or other respiratory illnesses?
(B-140, Christine Capuano)

We feel this project is completely oversized for the area and will have permanent and irreversible negative impacts on the quality of health.
(B-142, Steve & Susan Elias)

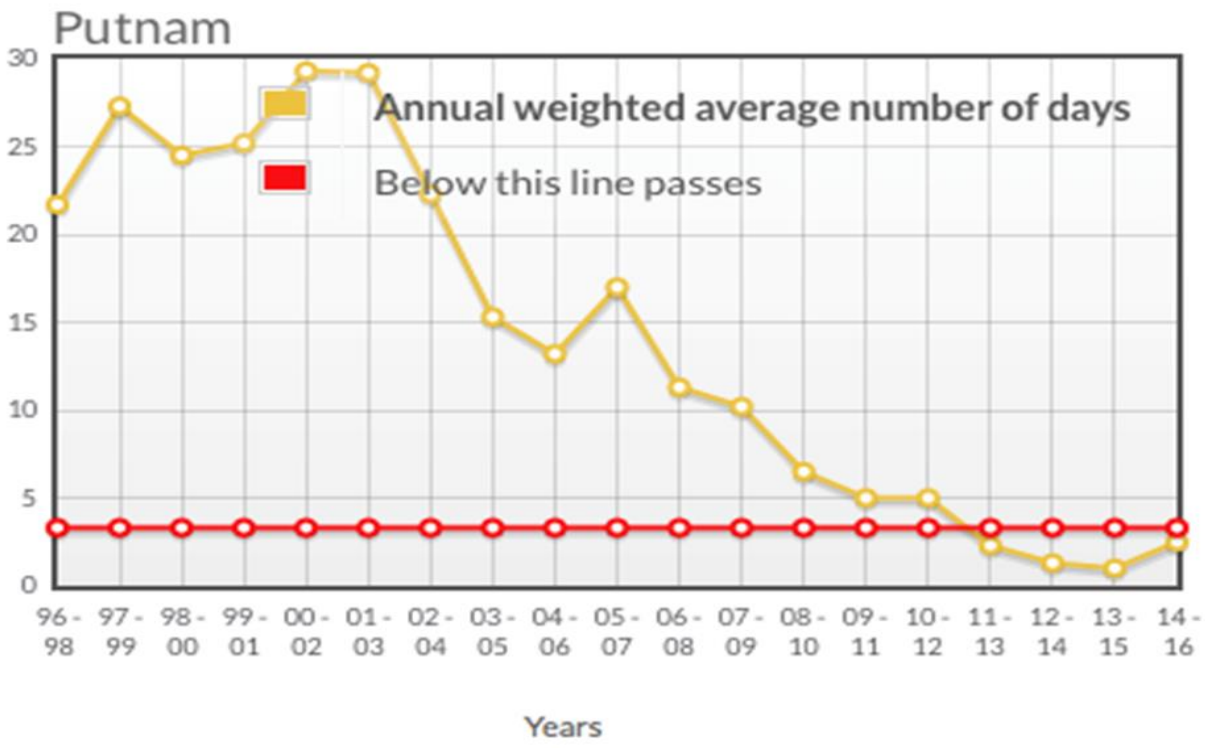
<u>Response No. 16-23</u>

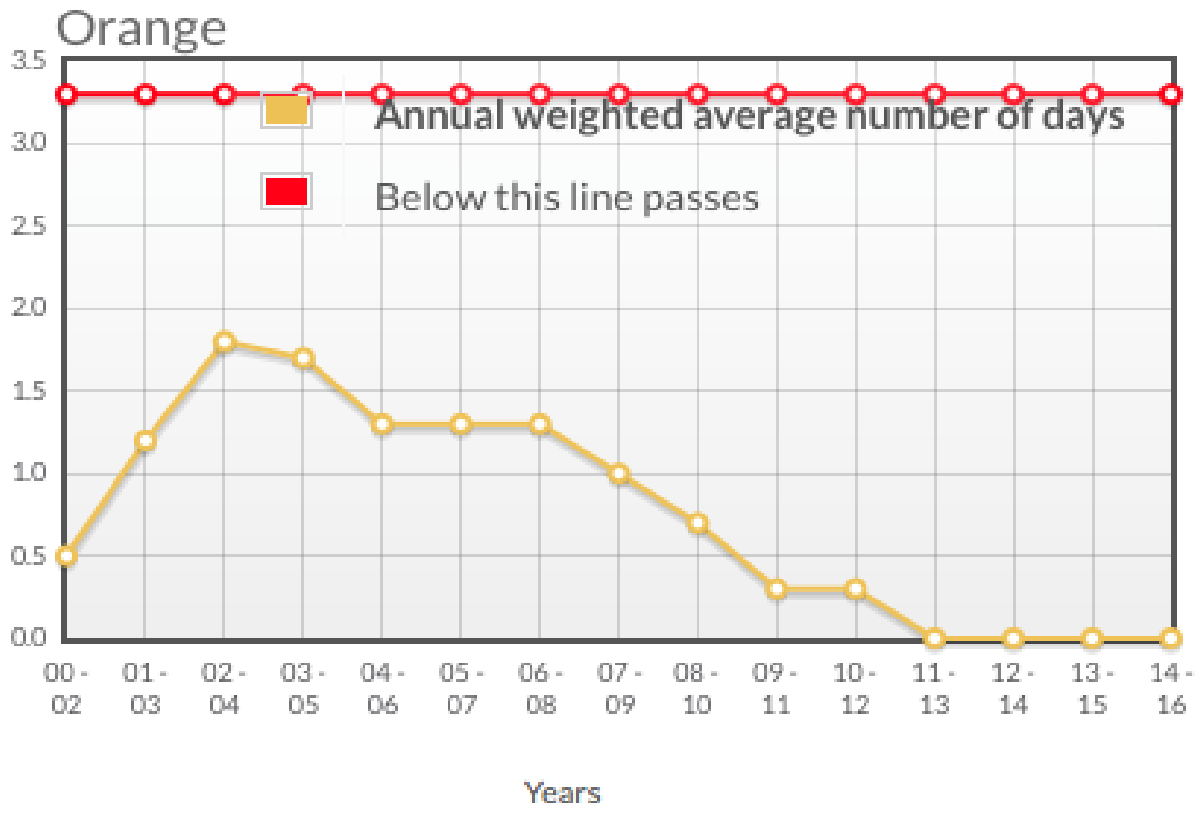
The 2018 American Lung Association's report on air quality gave Putnam County a grade of D for ozone. Ozone is a regional issue with the majority of the precursors that impact Putnam County having been emitted from outside the County.

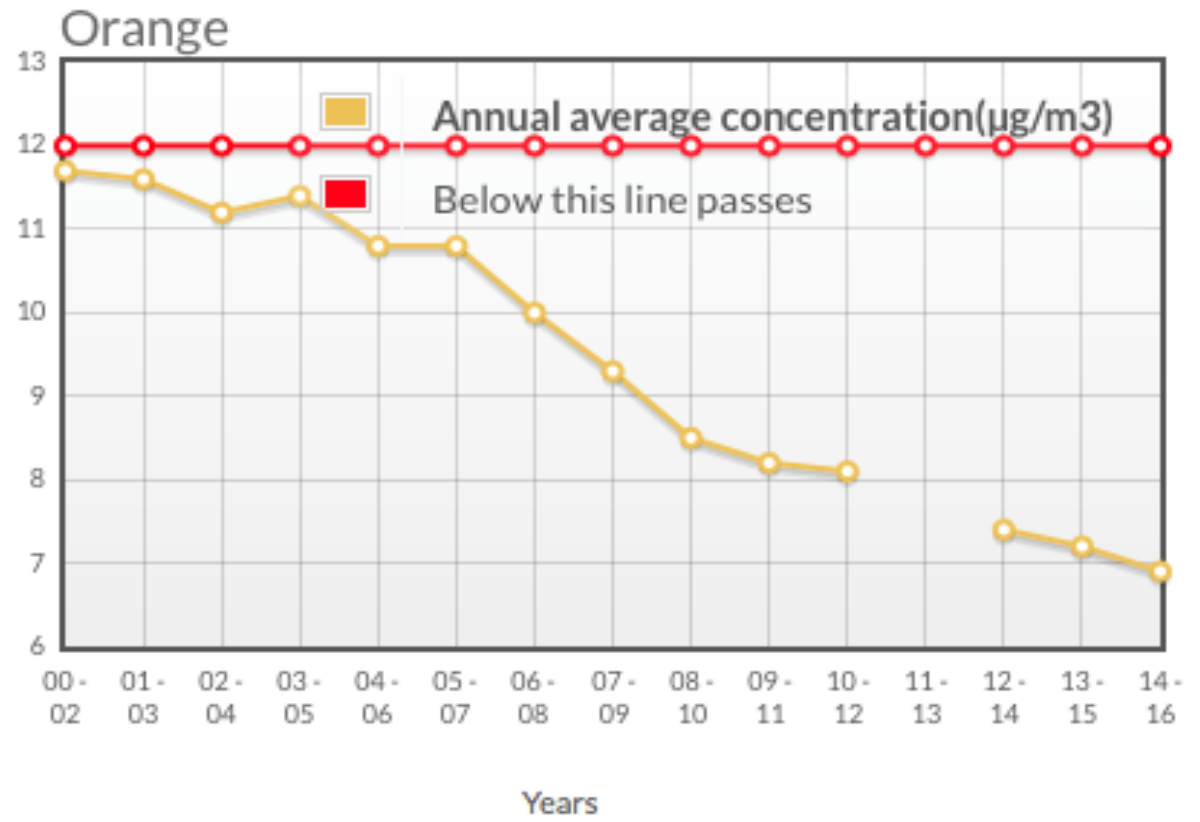
There was no specific grade given for Putnam County for particulates since no monitoring was conducted in Putnam County. However, every reported county in New York State (NYS), including Bronx and Orange Counties (the closest to Putnam) received a grade of A. With respect to PM_{10}, the nearest monitor is in the Bronx. Even there, the monitored value was only 25% of the NAAQS. With respect to $PM_{2.5}$ the closest monitor is in Newburgh in Orange County. The annual value is 58% of the standard and the 24-hour value is 50% of the standard.

The bottom line is that air quality, with the exception of ozone, which is just below the standard, is excellent, and is not anticipated to be impacted by the proposed project.

Also, as shown in the graphs from the American Lung Association (ALA) below, air quality is improving over time, not worsening. The graph for Putnam County depicts ozone levels, while those of Orange County depict $PM_{2.5}$ over a 24-hour period, and $PM_{2.5}$ over an annual period, respectively.




Orange
Annual weighted average number of days
Below this line passes
3.5
3.0
2.5
2.0
1.5
1.0
0.5
0.0
00 - 02
01 - 03
02 - 04
03 - 05
04 - 06
05 - 07
06 - 08
07 - 09
08 - 10
09 - 11
10 - 12
11 - 13
12 - 14
13 - 15
14 - 16
Years


Orange
Annual average concentration(µg/m3)
Below this line passes
13
12
11
10
9
8
7
6
00 - 02
01 - 03
02 - 04
03 - 05
04 - 06
05 - 07
06 - 08
07 - 09
08 - 10
09 - 11
10 - 12
11 - 13
12 - 14
13 - 15
14 - 16
Years

Also, as demonstrated in Response No. 16-13, the project's contribution to regional air emissions would be quite small.

Comment No. 16-24

The DEIS provides no measurement regarding air pollution emissions from tractor trailer trucks both traveling or idling. In addition, there is no cumulative effect for the 510 trucks that will be passing through Pugsley Road each day and probably idling there while they wait to get on the street. You say there's no impact on existing routes in and out of the site. Please explain this.
(B-3, PH #2, Ms. Armstrong)

Response No. 16-24

See Responses 16-13, 16-17 and 16-23.

Comment No. 16-25

You talk about pollution. If 143 homes go in, they burn diesel fuel. Heating oil is diesel fuel. It's the same thing. Plus, you got all the extra cars.
(B-3, PH #2, Ms. Miller)

Response No. 16-25

Comment noted.

Comment No. 16-26

Air pollution detail.

Any of us who drive down 84 see the old rickety trucks going back and forth every day 30, 40, 50 years old. I have experience in this area working in a leasing company. I know what those new trucks cost, and nobody's buying them.
(B-3, PH #2, Ms. Fay)

Yes and who will police those trucks that are 25 years old and spewing diesel fumes and leaking oil, when they somehow make a delivery?
(B-142, Steve & Susan Elias)

Response No. 16-26

See Response 16-23.

Comment No. 16-27

If you were to receive the zone change to OP-3 which puts the building up to a Class C use, given that Building 4 is contemplated to have cooling systems how does that affect the calculation?
(B-5, Challen Armstrong)

Response No. 16-27

The cooling systems would be powered by electricity, which would not generate any on-site emissions.

Comment No. 16-28

I'm reading this letter on behalf of Christine Capuano, who lives in the Town of Southeast.

We live in watershed country. No one is going to tell me that 500 diesel trucks spewing fumes

will not pollute the reservoirs. The Middle Branch Reservoir is right in this project's yard.
(B-3, PH #2, Ms. Croft)

I don't want you to pollute it for me, not my watershed and not the noise.
(B-3, PH #2, Ms. Yekutiel)

Trucks idling, effects on the watershed.
(B-3, PH #2, Ms. Fay)

But also pollute the Middle Branch Reservoir.
(B-85, Christine Capuano)

The excessive number of trucks that will be operating behind my house 2417 will also bring more pollution. This project will be located near a reservoir that needs to be surrounded by trees so that nature can naturally protect the soil and filter the diesel pollutants that are going to be spewing into the air, keeping them from getting into the New York City water supply system. The fewer trees that surround the reservoirs the greater the chances that diesel pollution from all the trucks using this facility will make Its way into the nearby Middle Brach Reservoir, which will negatively impact local wildlife and New York City's drinking water.
(B-168, Christine Caso)

The effect if over 200 diesel trucks driving in and out every day. This is watershed country and I find it hard to believe that the Middlebranch Reservoir wouldn't be affected from this project which sits high above it.
(B-174, Christine Capuano)

<u>Response No. 16-28</u>

A screening analysis was presented in Response No. 16-13. There would be less than a 1% increase in truck emissions. Response 16-23 explains about the generally excellent air quality in the region. Based on existing and future compliance with the

NAAQS, there are not now, and should not be in the future with the project, any adverse impacts to the reservoir based on air quality.

Comment No. 16-29/30

Not to mention the animals at beautiful Tilly Foster.
(B-85, Christine Capuano)

It [Tilly Foster Farm] will likely receive the most impact from the constant pollution.
(B-142, Steve & Susan Elias)

The nearby residents of Hunters Glen and Twin Brook Manor, both quiet, immaculate family oriented enclaves, will also bear the brunt of the adverse effects of this project on their safety of their families
(B-142, Steve & Susan Elias)

(Not to mention the) air pollution [at Hunters Glen].
(B-168, Christine Caso)

Response No. 16-30

A comparison of the distances to Pugsley Road, NY 312 and I-84 is summarized below.

Receptor	Distance to Pugsley Road, feet	Distance to NY 312, feet	Distance to I-84, feet
Tilly Foster Farm Museum	1,300	200	1,700
Hunters Glen	2,500	4,600	4,300
Twin Brooks	2,500	6,400	3,400

NY 312 carries 5 times the traffic of Pugsley Road on weekdays and 14 times the traffic on weekends, and I-84 carries at least 15 times the traffic on Pugsley Road. Since Pugsley Road is a very short road that carries far less traffic, its contribution to emissions would be minimal.

Also, see Response 16-23.

Comment No. 16-31

The applicant states that there will be no significant adverse impact to air quality from the traffic of 500+ trucks. However, the applicant arrives at this conclusion not by using empirical evidence or modeling, but by not doing any analysis since in their estimation no screening criteria is triggered by the project. Large diesel trucks are known to be a major source of pollution and they are at their worst during deceleration, traveling at low speeds, idling and accelerating, which are the exact conditions the trucks will encounter when traveling to and from the highway. Further analysis should be completed:

◦ *Inclusion of sensitive receptors: Caremount (hospital), Tilly Foster Farm (park) and the residences in Twin Brooks, Hunter's Glen and in Fields Corner road.*

◦ *Use a Dispersion Model to understand the flow and concentration of pollutants.*

◦ *The intersections should be considered at the LOS derived from the new traffic modeling mentioned prior. The SUMO modeling can also provide the pollutants generated by the traffic. (B-154, Carlos Passi)*

Response No. 16-31

See Response 16-23.

Comment No. 16-32

Is the applicant prepared/willing to commit to maintaining the assertions made in the DEIS, for example:

Air quality will not be impacted.
(B-154, Carlos Passi)

Response No. 16-32

The analysis in the DEIS and the clarifications, updates, explanations in the FEIS make it clear that there would not be any significant air quality impacts.

See additional discussions in Response 16-23.

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III.17 Hazardous Materials

Comment No. 17-1

The DEIS includes a description of assessments and remedial action activities completed in 2004, including:

a. *Removal of a 550-gallon fuel oil UST and dispenser pump adjacent to former farmhouse maintenance shed; and*
b. *A concrete pit beneath the floor of the maintenance shed, which was found to contain debris and oily water.*

Additional data, including descriptions, maps, and soil endpoint sampling locations and laboratory analytical results, should be provided to confirm the environmental condition of the soil after the removals, and that appropriate testing and laboratory parameters were consistent with NYSDEC requirements.
(B-1, AKRF)

Response No. 17-1

In response to this comment, additional information has been provided in this FEIS. Appendix 17-1 contains a Remedial Action report by CA Rich Environmental Specialists, which includes data and descriptions confirming that the testing and selected laboratory parameters completed in 2004 were appropriate and consistent with NYSDEC requirements.

However, due to the historical use of the properties, a Soil Management/Contingency Plan has been provided by the Applicant (Appendix 17-3), which documents contingency procedures to address any unknown conditions (i.e. underground tanks, dry wells, contamination or additional dump areas) that may be encountered during redevelopment.

Comment No. 17-2

The DEIS indicated that remedial activities in 2005 included removal of 100 yards of debris, removal of an abandoned tank, drums, and containers, and the removal of stained soil, and that follow up soil testing revealed no residual soil impacts. Additional data and descriptions, including maps, reports, laboratory analytical results, should be provided to confirm that appropriate testing and selected laboratory parameters were consistent with NYSDEC requirements.
(B-1, AKRF)

Response No. 17-2

In response to this comment, additional information has been provided in this FEIS. Appendix 17-2 contains a Dumpsite and Barn Area Cleanup report by CA Rich Environmental Specialists, which includes data and descriptions confirming that the testing and selected laboratory parameters were appropriate and consistent with NYSDEC requirements.

However, due to the historical use of the properties, a Soil Management/Contingency Plan has been provided by the Applicant (Appendix 17-3), which documents contingency procedures to address any unknown conditions (i.e. underground tanks, dry wells, contamination or additional dump areas) that may be encountered during redevelopment.

Comment No. 17-3

What happens if there is any type of fuel spill on the property? What if a spill enters the watershed/wetlands? How would this affect our well water and the reservoir system? Does NYS Dept of Environmental Protection know of this?
(B-79, Susan Tullipano & Ken Tullipano)

If you ever stopped at a truck stop you would notice little dark spots under the parked trucks. Many trucks leak a little fluid (transmission, brake, hydraulic, etc.) when pulling heavy loads. These few drops get magnified when you have over 500 trucks a day, seven days a week at a facility. However at this facility the rainwater will carry these (along with any spills) into the Middle Branch Reservoir and New York City's water supply. Will Seabury sign a waiver taking sole responsibility for any and all spills that occur on this site or will the Town be subjected to lawsuits from New York City when a spill occurs?
(B-91, Alan Wendolski)

Is the applicant prepared/willing to commit to maintaining the assertions made in the DEIS, for example:
◦ *The applicant assumes sole responsibility and liability when a spill into the watershed occurs.*
(B-154, Carlos Passi)

<u>Response No. 17-3</u>

As with any property in New York State, if a fuel spill occurs at any location, involved parties are obligated to immediately report the spill to the New York State Department of Environmental Conservation (NYSDEC) spill hotline at 1-800-457-7362. NYSDEC would issue a Spill Number and respond to the scene to assess and require appropriate response actions to prevent impacts to the waters of the State. Such response actions may include impacted soil excavation and removal, placement of absorbent booms/pads, etc. to protect surface water bodies, as well as groundwater testing and remediation (if necessary) to prevent impacts to nearby wells or the reservoir.

The proposed project would include measures to ensure that, in the unlikely event of a fuel spill, there would be no impact to the watershed. Hydrodynamic water quality separators would be used to separate any oil accumulated from the parking lots and driveways that may source from small leaks in engines and potential larger spills, prior

to flowing to any other stormwater management practice. The separators can store various volumes of oil depending upon the amount of runoff they are designed to treat, and the separators used on the project site would be appropriately sized for the areas that they would be associated with. For example, the hydrodynamic separators in the project's stormwater design range from an oil storage capacity of 210 gallons (which would only be proposed in landbanked parking lot areas where the large trucks would never travel). The next largest sizes used would store 263, 520, 568, 965, 1,172 and 1,309 gallons of oil. The separators would be regularly maintained, and the accumulated oil would be disposed of at a licensed processing facility, and, therefore, any fuel spill on the project site would not impact the watershed.

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III.18 Alternatives

Comment No. 18-1

The FEIS should consider an alternative that shifts the buildings so that the peaks of the ridgelines could be preserved.
(B-1, AKRF)

RIDGELINES:
As per our Town Planner:
'The FEIS should consider an alternative that shifts the buildings so that the peaks of the ridgelines could be preserved'.
(B-147, Lynne Eckardt)

Response No. 18-1

The Applicant proposes in the FEIS Preferred Alternative Plan a reduction of the project from four (4) buildings to (2) buildings, and from 1,124,575 square feet (s.f.) in the DEIS Plan to 933,100 s.f., which constitutes an approximately 17% reduction (of 191,475 s.f.) in the project size, which would further minimize the project's ridgeline impacts. The Preferred Alternative Plan also shifts the combined Building A (formerly Buildings 1 and 2) further away from Route 312 and off the ridgeline, and the combined Building B (formerly Buildings 3 & 4) further away from Twin Brook Manor. As a result, the ridgeline associated with the southernmost buildings (Buildings 1 and 2 in the DEIS and Building A in the FEIS) has 40% less disturbance and 75% fewer trees removed under the Preferred Alternative Plan. The impacts to the northernly ridgeline in connection with Building B have been reduced slightly (9% less disturbance and 3% fewer trees removed) under the Preferred Alternative Plan.

Consequently, the Preferred Alternative Plan proposes to construct Building A below the top of the ridgeline, which is proposed to remain, and Building B is to be

constructed at the top of the ridgeline but below the existing grades. This reduces the buildings' visibility along the ridgeline, and, as a result, the project is minimally visible off-site.

Both the Town's CPU and Town Code Section 138-12.I establish that development is permitted within ridgelines so long as it is "adequately protecting viewsheds." The CPU states that future development should be regulated "to ensure that it is adequately protecting viewsheds while allowing for reasonable development of a site." (CPU, at 5-12.) The CPU recommends specific provisions to implement this goal, which the proposed project is implementing, including siting buildings to minimize intrusions into viewsheds by taking advantage of topographic changes and existing vegetation, placing buildings to maintain harmony between the built and natural environment, avoiding "excessive clearing" (i.e., the removal of more than 10 trees per quarter acre of disturbed land), and "dark sky" compliant lighting. (See CPU, at 5-12.)

Consistent with the CPU's intent of minimizing offsite visual impacts while allowing reasonable development, the Town Code establishes that buildings and structures within any area defined as ridgeline are not, "to the maximum extent practicable, [to be] visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding property or public rights-of-way in adjoining lowlands or adjoining ridgelines." (See Town Code § 138-12(I).) As such, the Town Code specifically allows development along the top of ridgelines and/or regrading portions of the ridgeline, so long as the buildings or structures developed through such construction activities are not, to the maximum extent practicable, visible from surrounding properties, public rights-of-way, or adjoining ridgelines.

The project complies with the Town Code's prohibition against "excessive clearing" on ridgelines. (See Town Code § 138-12(I).) The second part of the ridgeline protection statute prohibits excessive clearing of any ridgeline area to be permitted for the purpose of site access, site landscaping, installation of subsurface sewage

disposal systems, or any other modification to the natural land. Accordingly, the Code provides criteria relative to the number of trees that can be removed without "excessive clearing." The term "excessive clearing," pursuant to the Town Code, means the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed. The Applicant would preserve existing trees within the ridgeline and adjacent areas where practicable. The Applicant would be removing trees at a ratio substantially below the maximum number of trees permitted to be removed by the Town Code (see Figures II.B-1 and Figures II.B-2). The percentage of trees to be removed to trees permitted to be removed for the Preferred Alternative Plan is 12% for the ridgeline associated with Building A and 15% for the ridgeline associated with Building B – that is to say, the Applicant is proposing to remove less than a fifth (1/5) of the trees on ridgelines allowed by the Town Code.

Comment No. 18-2

The FEIS should consider an alternative that shifts the parking and loading areas to front on Pugsley Road so that the proposed buildings provide a buffer between the trucks and the Hunters Glen and Twin Brooks developments.
(B-1, AKRF)

Response No. 18-2

The Preferred Alternative Plan has both buildings facing away from the residences, and towards Pugsley Road (Figure I-3). Trucks would no longer be able to circulate around the buildings, with only employee parking situated on the side facing Hunter's Glen. These conditions help to reduce potential noise impacts for Hunter's Glen. In addition, trucking activity is concentrated on the side of the buildings facing away from Hunters Glen and Twin Brook Manor, with the buildings acting as a sound barrier to these communities.

Comment No. 18-3

In addition to resolving the above errors and inconsistencies, Riverkeeper recommends that the Applicant evaluate the following alternatives in a supplemental DEIS:

1) A range of lower-impact, smaller-build alternatives. This should include alternative actions that result in the creation of a smaller footprint, less overall site disturbance, and/or reduced impervious coverage compared to the proposed action.

(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 18-3

For the Preferred Alternative Plan, the total proposed impervious area is 48.4 acres, a reduction of 8.8 acres from the DEIS Plan which had an impervious area of 57.2 acres.

The majority of the proposed site disturbance is located within the former farm fields. Approximately 213 acres, or 65% of the 328-acre property, would remain completely undisturbed throughout the development process. The area of disturbance has been reduced from 133.2 acres in the DEIS Plan to 114.7 acres in the Preferred Alternative Plan.

The total building footprint has been reduced from 1,124,575 s.f. for the DEIS Plan to 933,100 s.f. for the Preferred Alternative Plan.

Impacts to wetlands remain at a permanent 0.05 acre encroachment into the wetland and would occur only at the existing on-site road crossing (improvements at the Barrett Road wetland crossing between Wetlands 4 and 5); otherwise only minor encroachments into the adjacent areas are proposed, with 2.08 acres of disturbance to NYSDEC wetland buffers (which are also regulated by the Town), and 5.23 acres of disturbance to Town-only regulated wetland buffers. As such, the Preferred

Alternative Plan reduces wetland buffer impacts from the DEIS Plan's 2.44 acres of disturbance to NYSDEC wetland buffers and 5.37 acres of disturbance to Town-only regulated wetland buffers.

A Wetland Mitigation/Habitat Restoration Plan has been developed to enhance the developed portions of the site at the Barrett Road crossing as well as other non-wetland locations. This would be accomplished through control of invasive species and restoration of a variety of habitats using substantial amounts of native trees, shrubs, forbs and grasses to provide improved habitat for a variety of mammals, birds, reptiles and amphibians currently found on the site (see Appendix 9-1).

Under the Preferred Alternative Plan, Town-defined open space comprises approximately 85% of the approximately 328-acre property, almost 90% more than the required 45% open space under the Town Code. The Applicant is willing to commit approximately 172 acres as permanent "no-development" areas within the overall 328-acre property.

Comment No. 18-4

2) *An alternative that avoids all direct impacts to on-site watercourses, wetlands, and associated buffer areas. At least one alternative should be considered that avoids of all watercourses, wetlands, and buffer areas impacts on the project site.*

(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 18-4

Improvements within the wetland areas and associated buffers along Barrett Road cannot be avoided since the wetland boundaries extend to the edge of the existing road and the road needs to be widened to accommodate two-way traffic. The road improvement was previously permitted by the ACOE in association with the approved residential/commercial project. The current project reduces the wetland impact from

0.11 acre with the previously approved project to 0.05 acre by constructing retaining walls to minimize the disturbance. The widening of the road would occur entirely on the south side of Barrett Road as requested by NYSDEC and the existing invasive species would be removed in the area and replaced with native plant material. As discussed in the DEIS, the current project has substantially less disturbance of existing wetland buffers (NYSDEC and Town) as compared to the previously approved development. The current project has approximately 7.31 acres of buffer disturbance as compared to the approved project, which has approximately 24.57 acres of wetland buffer disturbance. Most of the currently proposed disturbance would be temporary disturbances for grading and would remain pervious upon completion of the project.

Comment No. 18-5

What are the alternative choices and possibilities of development for this property? (B-118, Cherie Ingraham)

Response No. 18-5

The Preferred Alternative Plan offers a reduction of the proposed development presented in the DEIS, as described in Responses Nos. 18-1 and 18-3.

Three other alternative possibilities were presented in the DEIS, Section IV. Alternatives. One was the previously approved project with 143 single-family homes and 237,000 square feet of office/commercial space on 185.2 acres compared with 328 acres of the proposed project. If the Phase 2 portion of the project, which consisted of 823,000 s.f. of remaining commercial/office space plus a 300 room hotel component, had been approved/constructed on the remaining portion of the site, the environmental impacts would have been significantly greater.

Another alternative possibility presented in the DEIS was 240,000 s.f. of medical office in a 2-story building with surface parking, as well as 200,000 s.f. of retail in a 1-story

building with surface parking. Additionally, two indoor recreation buildings were proposed with surface parking, one 90,000 square feet, and the other 120,000 square feet, along with three outdoor recreational turf fields.

As stated in the DEIS, permitted principal uses in each district are as follows:

Table III.C.18-1

Permitted Uses Within the OP-3 and RC Districts

Class of Use	Zoning District	
	OP-3	**RC**
Permitted Principal Uses	• Bed-and-breakfast/country inn • Equestrian center • Farm use • Offices • Personal services • Professional services • Residential, including single-family detached and single-family attached • Theater/performing arts	• Craft workshop • Nursery • Office • Restaurant • Recreation • Kennel
Permitted Accessory Uses	• Outside storage • Private utilities	• Outside storage • Private utilities • Restaurant • Retail • Personal services • Professional services
Special Permit Uses	• Hotel/motel/conference facility • Kennels and animal hospitals • Light manufacturing • Public utilities • Senior housing	• Cemetery • Hotel/motel/conference center • Kennels and animal hospitals • Public utilities • Senior housing • Research labs • Wood mill
Permitted Conditional Uses	• Recreation • Research labs • Retail • Restaurant • Telecommunications towers and facilities	• Bed-and-breakfast/country inn • Equestrian center • Farm use • Telecommunications towers and facilities

Comment No. 18-6

But if they don't do the housing, but they continue down a path of the commercial, the applicant said at one point they could do 2.5 million square feet of potential under the current zoning. That's almost double -- two and a half times what they're doing now. And I didn't think that was a proper answer. I don't think that's real. I think there's a number there less than that, and I think I'd like to see what that real number is under the current zoning, just so we understand what the level playing field is here; that if you don't get your change of zoning here, you have the ability to build your houses with the commercial. But if you don't want to go down that path, you still have - - the current zoning allows you to do certain things. And I think that 2.5 was thrown out there. I'd like a better understanding so I can compare apples to apples.
(B-145, Hearing No. 3 (Mr. LaPerch))

Response No. 18-6

It is difficult to quantify a specific maximum square footage other than the maximum permitted by zoning because of the wide variety of development options of various land uses, number of building stories, parking requirements, the use of structured parking, etc., based on the Town's Zoning Code, which could result in additional development potential above the current proposal.

The previously approved residential/commercial project which consists of approximately 999,410 s.f. was located primarily in the 185-acre portion of the site associated with Buildings 3 and 4 of the DEIS Plan. Development of the remainder of the property, primarily in the area associated with Buildings 1 and 2 of the DEIS Plan, would result in substantial building square footage above the 999,410 s.f. Alternative C included in the DEIS showed a one-story retail building with 200,000 s.f. in that portion of the site. Rather than a one-story retail building, that portion of the site

could be developed with a multistory office, retail or other uses, with structured parking, yielding substantially higher building square footages.

The property is large and can be used in a number of ways. The former analysis of residential mixed-use suggests density approaching two million square feet. A corporate headquarters of over two million square feet could be constructed using structured parking and three stories. Other alternatives may generate comparable density but add far more traffic like sports, entertainment, etc. Retail and medical office (4-5 spaces/1000 sf) have smaller footprints but rely on traffic often using parking spaces multiple times. The selection of the Preferred Alternative Plan for a warehouse/distribution facility took into account achievable densities based on use, traffic impacts generated by the use and other potential impacts on the various impact areas assessed in the DEIS and this FEIS. The Applicant concluded that the reduced density warehouse/distribution facility was the most effective compromise of square footage density, traffic generation, and other potential environmental impacts.

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III.19 Adverse Environmental Impacts That Cannot Be Avoided

There are no substantive comments on this chapter.

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III.20 Irreversible and Irretrievable Commitment of Resources

There are no substantive comments on this chapter.

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III.21 Growth Inducing Impacts of the Proposed Action

There are no substantive comments on this chapter.

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III.22 Effects on the Use and Conservation of Energy

There are no substantive comments on this chapter.

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