

**TOWN OF SOUTHEAST
PLANNING BOARD
SPECIAL PERMIT REFERRAL**

INTRODUCED BY: *LaPerch*

DATE: September 28, 2020

SECONDED BY: *Cyprus*

WHEREAS, Putnam Seabury Partners, L.P (the “Applicant”), located on an approximately 328 acre site located at New York State (NYS) Route 312 and Pugsley Road (the “Project Site”), in the Town of Southeast, has applied for a Special Permit from the Town Board of the Town of Southeast for permission to construct a 933,100 square foot distribution center (light manufacturing use) to be known as Commercial Campus at Fields Corners (the “Proposed Project”) in the OP-3 Zoning District; and,

WHEREAS, the Project Site consists of 156 existing tax parcels as follows:

#	Tax ID #	#	Tax ID #	#	Tax ID #
1	45.-1-4	53	45.-3-46	105	45.-3-98
2	45.-1-5.2	54	45.-3-47	106	45.-3-99
3	45.-1-5.3	55	45.-3-48	107	45.-3-100
4	45.-1-8.1	56	45.-3-49	108	45.-3-101
5	45.-1-8.2	57	45.-3-50	109	45.-3-102
6	45.-1-8.3	58	45.-3-51	110	45.-3-103
7	45.-1-12	59	45.-3-52	111	45.-3-104
8	45.-1-13	60	45.-3-53	112	45.-3-105
9	45.-3-1	61	45.-3-54	113	45.-3-106
10	45.-3-2	62	45.-3-55	114	45.-3-107
11	45.-3-3	63	45.-3-56	115	45.-3-108
12	45.-3-4	64	45.-3-57	116	45.-3-109
13	45.-3-5	65	45.-3-58	117	45.-3-110
14	45.-3-6	66	45.-3-59	118	45.-3-111
15	45.-3-7	67	45.-3-60	119	45.-3-112
16	45.-3-8	68	45.-3-61	120	45.-3-113
17	45.-3-9	69	45.-3-62	121	45.-3-114
18	45.-3-10	70	45.-3-63	122	45.-3-115
19	45.-3-11	71	45.-3-64	123	45.-3-116
20	45.-3-12	72	45.-3-65	124	45.-3-117
21	45.-3-13	73	45.-3-66	125	45.-3-118
22	45.-3-14	74	45.-3-67	126	45.-3-119
23	45.-3-15	75	45.-3-68	127	45.-3-120
24	45.-3-16	76	45.-3-69	128	45.-3-121
25	45.-3-17	77	45.-3-70	129	45.-3-122
26	45.-3-18	78	45.-3-71	130	45.-3-123
27	45.-3-19	79	45.-3-72	131	45.-3-124
28	45.-3-20	80	45.-3-73	132	45.-3-125
29	45.-3-21	81	45.-3-74	133	45.-3-126
30	45.-3-22	82	45.-3-75	134	45.-3-127
31	45.-3-23	83	45.-3-76	135	45.-3-128
32	45.-3-24	84	45.-3-77	136	45.-3-129

33	45.-3-25	85	45.-3-78	137	45.-3-130
34	45.-3-26	86	45.-3-79	138	45.-3-131
35	45.-3-27	87	45.-3-80	139	45.-3-132
36	45.-3-28	88	45.-3-81	140	45.-3-133
37	45.-3-29	89	45.-3-82	141	45.-3-134
38	45.-3-30	90	45.-3-83	142	45.-3-135
39	45.-3-32	91	45.-3-84	143	45.-3-136
40	45.-3-33	92	45.-3-85	144	45.-3-137
41	45.-3-34	93	45.-3-86	145	45.-3-138
42	45.-3-35	94	45.-3-87	146	45.-3-139
43	45.-3-36	95	45.-3-88	147	45.-3-140
44	45.-3-37	96	45.-3-89	148	45.-3-141
45	45.-3-38	97	45.-3-90	149	45.-3-142
46	45.-3-39	98	45.-3-91	150	45.-3-143
47	45.-3-40	99	45.-3-92	151	45.-3-144
48	45.-3-41	100	45.-3-93	152	45.-3-145
49	45.-3-42	101	45.-3-94	153	45.-3-146
50	45.-3-43	102	45.-3-95	154	45.-3-147
51	45.-3-44	103	45.-3-96	155	45.-3-148
52	45.-3-45	104	45.-3-97	156	45.-3-31

; and,

WHEREAS, the Town Board has requested a report from the Planning Board on the said proposal; and,

WHEREAS, the Planning Board has determined that the above request for a Special Use Permit for this particular project is in conformance with Article X of Chapter 138 of the Zoning Code of the Town of Southeast; and,

WHEREAS, the Planning Board having reviewed such application together with its consultants, finds that there will be no adverse affect to the surrounding area or the environment,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board recommends that the Town Board of the Town of Southeast grant the requested Special Permit subject to the following conditions:

Land Use

1. Prior to issuance of a building permit for the Action, the Applicant shall file with the Putnam County Clerk a deed restriction, in a form acceptable to the Town Attorney, that places no build restrictions on the approximately 172 acres of the Property shown in FEIS Figures 1-2 and 1-2A.
2. No “hazardous substances,” as that term is defined by NYSDEC regulations and which are subject to regulation by the NYSDEC pursuant to 6 N.Y.C.R.R. Part 596, will be handled or stored at the Property.
3. Each tenant or occupant of the buildings shall enforce site-specific requirements including prohibitions against: (a) overnight facilities or overnight sleeping by truckers at the Property, and; (b) idling on the Property.

Traffic

4. The Applicant shall install at the intersection of Route 312 and Pugsley Road, prior to the issuance of a certificate of occupancy for either Building, 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. The proposed traffic signal shall be coordinated with the three signalized intersections to the east along Route 312.
 - a. Prior to the issuance of a certificate of occupancy for either building, the Applicant shall, at the intersection of Route 312 and Pugsley Road, install: on Route 312 eastbound a left turn lane and a second through lane is proposed along Route 312 eastbound;
 - b. on Route 312 westbound, subject to the selection of the NYSDOT, a right turn lane (Alternative A) or second through lane with shared right turns (Alternative B), and;
 - c. on Pugsley Road, either expand Pugsley Road to provide three approach lanes to Route 312, with dual left turns and a single right turn lane with the Route 312 westbound right turn lane (Alternative A), or; (ii) improve Pugsley Road to a two lane approach to Route 312, with dual left turns and shared right turns (Alternative B).
5. The Applicant shall, prior to the issuance of a certificate of occupancy for either Building, widen Route 312 from two (2) lanes to provide four (4) lanes for the entire distance between Pugsley Road and the I-84 Eastbound ramps/Independent Way.
6. The Applicant shall, prior to the issuance of a certificate of occupancy for either Building, improve Fields Corner Road to eliminate existing curves in Pugsley Road/Barret Road/Fields Corner Road intersections pursuant Drawing PE-1 in FEIS Appendix 4.A, Part M. Upon the completion of said improvements, the Town may, pursuant to New York Town Law Section 212-a, abandon to the Applicant such sections or part of the old road as it existed before the improvements which are of no further use for highway purposes.
7. The Applicant shall, prior to the issuance of a certificate of occupancy for either Building, at the intersection of Route 312 and the I-84 eastbound ramps/Independent way: (i) in the event the improvements proposed for the Crossroads 312 project have already been made, modify signal timing during the peak weekday AM hour, or; (ii) in the event the improvements proposed for the Crossroads 312 project have not already been made, modify signal timing for the peak weekday AM and peak weekday PM hours and modify the lane utilization of Independent Way.
8. The Applicant shall, prior to the issuance of a certificate of occupancy for either Building, at the intersection of Route 312 and the I-84 westbound ramps, modify signal timing in the in the event the improvements proposed for the Crossroads 312 project have been made. In the event the improvements proposed for the Crossroads 312 project have not already been made, the Applicant is not required to undertake any measures at this intersection.
9. The Applicant shall prepare within three (3) months of full occupancy of both Buildings a traffic signal Warrant Analysis of the Route 312/Prospect Hill Road intersection. The Warrant Analysis shall consider the variety of warrants available and determine if a signal is justified at this intersection using at least two warrants per NYSDOT direction. The Applicant shall also prepare within six (6) months of full occupancy of both Buildings a

Corridor Study 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, weekday PM, and Saturday peak hours using SimTraffic software per NYSDOT guidance.

- a. If, based on the Warrant Analysis, it is determined and approved by NYSDOT that a signal is warranted, the signal would be designed, installed and coordinated with the four other existing and proposed signals along Route 312 to Independent Way. If the traffic signal is not approved by NYSDOT, other traffic signal technologies could be implemented, and coordinated with the four other existing and proposed signals along Route 312 to Independent Way, as may be identified in the Corridor Study.
 - b. Prior to the issuance of the first certificate of occupancy for the Action, the Applicant shall place \$150,000 in escrow with the Town, or provide a bond to the Town in the amount of \$150,000, to cover: (i) the Applicant's fair share portion of the traffic light required pursuant to the Warrant Analysis, or other signal technologies identified in the Corridor Study and (ii) the costs incurred by the Town for their review of the Warrant Analysis and Corridor Study. The Applicant shall be responsible for preparing the Warrant Analysis and Corridor Study.
10. The Applicant shall complete a Traffic Monitoring Plan (TMP) within six (6) months of the issuance of a certificate of occupancy for the first of the two Buildings completed, and also within six (6) months of the full occupancy of the Action. The following items will be included in the Applicant's tenant and/or occupant leases to ensure the accuracy of the TMP:
- a. confirm there are no scheduled truck deliveries after 11:00 PM on Monday-Saturday or after 5:00 PM on Sunday, and before 6:00 AM Monday-Saturday or before 10:00 AM on Sunday.;
 - b. 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. Occupants will permit truck parking within truck loading and trailer parking spaces on the approved site plan drawings;
 - c. confirm there are no manned overnight layover of trucks. Notwithstanding, Tenants and/or Occupants may provide trucker's bunks to be used for emergency conditions only;
 - d. confirm trucks are not idling on-site in excess of State guidelines and/or local regulations. Occupants will not permit on-site truck idling in excess of the State guidelines or local regulations;
 - e. 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 shall coordinate with its tenants/occupants 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;

- f. 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, and;
 - g. provide the number of visitors and employees that utilize Metro-North to get to the Property so that the need for a jitney can be assessed.
 - h. The operator(s) of the Buildings shall have a policy in place with all the trucking companies that requires the use of approved routes to and from the facility. Trucks shall not use Fields Corner Road, and trucking companies shall face fines or suspension of business with the facility if found not in compliance.
11. Fields Corner Road shall 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 provide two turnaround areas along Fields Corner Road within the Town of Southeast. The Applicant shall also 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 shall record the video information on a 24 hour loop and the video monitoring shall 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 by the Planning Board that the traffic levels on Fields Corner Road exceed those predicted under the traffic analysis in the FEIS, the gate shall be closed at the discretion of the Planning Board, except for use by emergency vehicles.
 12. Trucks shall not be scheduled to access the site after 11:00 PM on Monday through Saturday or 5:00 PM on Sunday, and before 6:00 AM on Monday through Saturday or before 10:00 AM on Sunday.
 13. NYSDOT restricts large trucks known as Special Dimension Vehicles, which includes 53 foot trailers, from travelling beyond one mile of an interstate ramp, or along specially designated truck access highways, unless NYSDOT issues an extension approval. NYSDOT has conditionally approved the highway extension for the Project and the Town Board should confirm this. NYSDOT advised that Pugsley Road will be designated as a truck access highway upon completion of the proposed road improvements. Pugsley Road would be improved to provide 12 foot lanes and the proposed improvements to the Route 312/Pugsley Road intersection and the Pugsley Road/Barrett Road intersection have been designed to accommodate appropriate turning radii for Special Dimension Vehicles.
 14. To ensure the satisfactory completion and performance of all proposed public improvements on Pugsley Road, the Town shall hold a performance bond in an amount to be determined in consultation with the Town Highway Superintendent and Town Engineer. The performance bond shall be utilized for the first full resurfacing of Pugsley Road as directed by the Town Highway Superintendent.

Visual Resources

15. Prior to issuance of a building permit for the Action, the Applicant shall file with the Putnam County Clerk a deed restriction, in a form acceptable to the Town Attorney, that places no build restrictions on the approximately 172 acres of the Property shown in FEIS Figures 1-2 and 1-2A.

16. Subject to approval of the boards of Hunters Glen, Twin Brook Manor and the respective residents, the Applicant shall plant a total of up to 50 evergreen trees (25 per residential development, unless otherwise distributed between the two developments) on the Hunters Glen and Twin Brook Manor residential properties in locations approved by the respective condominium association boards to further reduce visibility. The locations would be coordinated with the Town Planning Consultant upon completion of the exterior of Building B. The evergreen trees shall be 6-7 feet tall at the time of planting. Prior to the issuance of a building permit for Building B, the Applicant shall obtain a performance bond in the amount of \$30,000 for up to one year subsequent to the issuance of a certificate of occupancy for Building B. Any surplus funds shall be returned to the Applicant.
17. The Action's stormwater management areas shall be adequately landscaped as shown on the Site Plan Approval drawings so as to reduce any potential visual impacts of those areas.
18. Prior to the issuance of a certificate of occupancy for Building B, an approximately 12 foot high berm shall be constructed north of Building B.
19. Trucks shall not be allowed to circulate around the Buildings;
20. There shall be no wall-pack lighting on the western sides of the Buildings;
21. Parking lot light poles shall not be larger than 20 feet high;
22. A combination of evergreen and deciduous trees would be planted along the southern side of Building B as shown on the Site Plan Approval drawings;
23. Subject to the review of the Town Architectural Review Board, the color of Buildings and the water tank shall be predominately medium to dark green, as well as grey colors. The green colors would be similar to natural green colors of vegetation;
24. Evergreen trees shall be planted around the proposed water tank as shown on the Site Plan Approval drawings to reduce any potential visual impact and to minimize the view of the tank from Pugsley and Fields Corner Roads.

Surface Water and Wetlands

25. A Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Management Program shall be implemented, including the following permanent erosion and sediment control measures:
 - a. vegetated swales;
 - b. infiltration basins that provide water quality for 1 year stormwater runoff volume;
 - c. CDS Water Quality Structure to provide pretreatment of the water quality flow rate for separating sediment, debris, floatables, etc. from the runoff prior to discharge to the SMP's. The CDS must provide water quality for 75% of existing impervious areas for the 1 year, 24 hour storm in accordance with the requirements of the NYSDEC;
 - d. infiltration System (I-2) to treat the runoff volume generated from a portion of the developed area and provide additional water quality and runoff volume reduction;
 - e. catch basins to remove some of the coarse sand and grit sediment before entering the drainage system;

- f. Rip-Rap Energy Dissipaters at discharge points from the stormwater drainage system into the stormwater management basins, and;
 - g. seeding of at least 70% perennial vegetative cover.
26. The project shall implement the wetland and wetland buffer restoration and enhancement measures set forth in the report entitled “Installation, Management and Monitoring Protocol for Upland Habitat Restoration Areas and Wetland Habitat Restoration,” dated August 2019, prepared by Evans Associates, and the associated plans, namely 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. This report and the associated plans require 1.54 acres of wetland mitigation (restoration and habitat enhancement) and buffer restoration within the immediate area of the wetland, and 13 acres of upland habitat planting/restoration outside of the wetland buffers. The wetland and upland restoration areas shall be monitored for a period of five (5) years from the date of completion of the initial planting, with an environmental monitor inspecting the restoration planting areas quarterly during the first two years and yearly in the subsequent three ears. The yearly inspections are to be conducted during the growing season, between the dates of June 15 and October 1.
27. Fertilizers and pesticides shall only be applied in accordance with state and federal law as well as with the manufacturer’s guidelines by a competent landscaper or other professional.
28. No clearing of vegetation shall occur between May 1-July 15.

Geology, Soils and Topography

29. The Erosion and Sediment Control Management Program, set forth in JMC Drawings C-401 through C-421, last revised June 17, 2020, shall be implemented.

Groundwater

30. No road salt be stored on the Property.
31. Any outside contractor(s) used to clear snow at the Property shall comply with all pertinent NYCDEP regulations regarding any materials used for snowmelt, and use the minimum amount necessary.

Vegetation and Wildlife

32. The Wetland Mitigation/Habitat Restoration Report, prepared by Evans Associates, last revised August 2019, and the associated plans (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, shall be implemented.
33. Tree cutting is prohibited from April 1 to October 31 (i.e., tree-cutting may only be conducted between November 1 and March 31).
34. NYSDEC shall be contacted prior to construction to determine the closest bald eagle nest site to the Project Site.

Noise

35. Noise from the rooftop HVAC equipment shall not exceed 46 dBA during the night-time hours of 8:01 PM to 6:59 AM, which is 9 dBA less than the maximum permitted by the Town Noise Ordinance. At the time of Site Plan Approval, the Applicant shall 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 shall also 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. In addition to ensure that operational noise levels from traffic and motor vehicles are in compliance with the noise levels projected within the DEIS and FEIS, the Applicant shall conduct noise monitoring for two consecutive days/nights at the locations utilized in the DEIS within six months of full operation. New baseline noise measurements should be taken prior to the issuance of the certificate of occupancy. The results of this noise monitoring shall be presented to the Planning Board and Town of Southeast Building Inspector. Should onsite traffic or HVAC equipment exceed permitted noise levels at the sensitive receptors analyzed in the DEIS, additional noise mitigation shall be implemented in consultation with the Town's Building Inspector and acoustical consultants.

36. Trucks shall not be scheduled access the site after 11:00 PM on Monday through Saturday or after 5:00 PM on Sunday, and before 6:00 AM on Monday through Saturday or before 10:00 AM on Sunday.
37. Each tenant or occupant of the Buildings shall enforce site-specific requirements, including prohibitions against: (a) overnight facilities or overnight sleeping by truckers at the Property, and; (b) idling on the Property. Each tenant's/occupant's lease and/or prospective purchaser's contract of sale shall contain provisions to confirm trucks are not idling on-site in excess of State guidelines and/or local regulations.
38. The Applicant shall install a sign on Pugsley Road near Route 312 stating: "Truckers Quiet Zone: NO JAKE BRAKES."

Air

39. The Project's construction plan shall incorporate the following measures:
 - a. any disturbed earth will be wet down with water, as necessary to control dust;
 - b. after construction activities, all disturbed areas will be covered and/or vegetated to provide for dust control on the site;
 - c. all trucks carrying fill or other unconsolidated materials shall be covered with tarps;
 - d. all soil or dirt stock piles shall be enclosed with silt fencing when not in use and during weekends, and;
 - e. a stabilized construction entrance shall be established at the entrance to the site at Pugsley Road and at the entry to Barrett Road from Pugsley Road. Tires and truck bodies, as necessary, will be washed to minimize tracked mud and dust.
40. Overnight facilities or overnight sleeping by truckers at the Property is prohibited
41. Idling on the Property is prohibited. Each tenant's/occupant's lease and/or prospective owner's contract of sale shall contain provisions to confirm trucks are not idling on-site in excess of State guidelines and/or local regulations.

Hazardous Materials

42. The Soil Management/Contingency, dated June 2019, shall be implemented.

43. Hydrodynamic water quality separators shall 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 shall be regularly maintained, and the accumulated oil shall be disposed of at a licensed processing facility.
44. No "hazardous substances," as that term is defined by NYSDEC regulations and which are subject to regulation by the NYSDEC pursuant to 6 N.Y.C.R.R. Part 596, will be handled or stored at the Property.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>yes</u>
M. Hecht, Boardmember	<u>no</u>	J. King, Boardmember	<u>yes</u>
L. Eckardt, Boardmember	<u>no</u>		

The resolution was passed by a vote of 5 to 2, with 0 absent.

T. LaPerch / vad
 T. LaPerch, Chairman
 Southeast Planning Board