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## Memorandum

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**To:** Town of Southeast Town Board  
**From:** Ashley Ley, AICP and Anthony Russo  
**Date:** August 20, 2014  
**Re:** Crossroads 312 FEIS  
**cc:** LADA, PC

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This memorandum summarizes AKRF's review of the draft Crossroads 312 FEIS. The Crossroads 312 Project (the "Project") has been revised since the issuance of the DEIS. The proposed development program currently comprises 143,000 square feet of retail/restaurant space and a 100-room hotel. This is a smaller program than what was originally studied in the DEIS.

AKRF has reviewed the applicant's Response to Comments (RTC) to determine if the comments were sufficiently addressed in the FEIS, or if further clarification is needed. AKRF's comments on the RTCs are organized by chapter, and reference the numbering system utilized in the FEIS (e.g. HK-1).

### A. GLOBAL COMMENTS

- The FEIS is organized in a non-traditional fashion. Typically, an FEIS has the following chapters: (1) Executive Summary; (2) Project Description; (3) Potential Impacts of the Proposed Project; and (4) Response to Comments. Chapter 3 would typically be the place to describe the potential impacts of the changes to the project since the DEIS. Instead, this FEIS includes that analysis within the Response to Comments section where it is organized by topic. However, this analysis is not consistently applied across the RTC chapters. If a summary of impacts chapter is not provided, then each RTC chapter should include an introduction describing how the changes to the project would or would not affect the potential impacts analyzed in the DEIS.
- The FEIS includes responses to some comments that are not relevant to the Proposed Project and that are out of scope of the SEQRA process. In most instances, it is best to respond to these types of comments by simply stating "Comment noted. This comment is not within the scope of this FEIS," rather than trying to answer a question that is not within the Town's purview.
- Unless something is absolute (i.e. "will be required"), the FEIS should utilize "would" instead of "will."
- Scanned pages with typographical corrections will be submitted to the applicant under separate cover.

## **B. EXECUTIVE SUMMARY**

- Section C on page EC-8 presents the changes to the project since the DEIS. A side by side comparison (e.g. a table) of the DEIS versus FEIS project would be helpful to the reader in this location.
- On page ES-14, the sentence “No new sewage discharges are required in the NYCDEP watershed” is confusing and should be re-worded.
- The first paragraph on the top of page ES-15 is confusing and would be aided by the addition of a table to page EC-8 as recommended. This paragraph could be revised to simply state, “As a result of comments from the Town and the public, the proposed project has changed. As such, the DEIS evaluated a greater number of vehicle trips than would be generated by the program evaluated in the FEIS...”

## **C. PROJECT DESCRIPTION**

- The first paragraph on the top of page 2 should be re-worded to be in the Town Board’s voice.

## **D. GENERAL**

- It is unclear as to why the comments and responses in the “General” chapter are labeled “HK.” Also, this chapter does not align with a typical FEIS format and the response to comments in this section could be integrated into either the Project Description, or the area of analysis that best fits the comment.
- HK-7: The sentence that starts, “To the extent the Town Board may have discretion...” should be deleted.
- HK-10: The last sentence should be revised as follows, “The plan proposed in the DEIS is not the final plan. Projects typically evolve as they move through the SEQRA process in response to comments from the Town and public. As such, the Proposed Project has been revised since the issuance of the DEIS. It is anticipated that further changes will be made as the Project proceeds with Site Plan and Special Permit approval. However, any further changes would be limited by the requirements of the Findings Statement.”
- HK-12: This response should be amended as follows: “The northeastern half of the property was owned by the Warm family prior to 1985 when the property was zoned M-2 (Manufacturing). This property was rezoned to OP-1 in or about 1991. The southwestern half of the property was purchased in the 1990s when the property was zoned OP-1. The full property was the subject of a conditional rezoning to HC-1 adopted September 19, 1996, but it failed to comply with pre-conditions of rezoning local law and reverted to OP-1. It was rezoned to RC in or about 2004, following the adoption of the 2002 Comprehensive Plan.”
- HK-15: It should be made clear in this response that the applicant will be responsible for the funding for the installation of all improvements. Any pursuit of grants will be at the applicant’s time and expense.
- HK-22 and HK-23: These comments are not substantive to the DEIS. Please refer to suggested language above.

## **E. ARCHITECTURE**

- Arch-3: Remove the words “and labor” from the response.
- Arch-4: Add to the beginning of the response, “All architectural elements are subject to Site Plan approval by the Town of Southeast. Any changes requested by a tenant to the architectural plans that may be approved for this site will be subject to all Town laws and subject to Town approvals.”

## **F. LAND USE, ZONING, AND PUBLIC POLICY**

- LU&Z-3: The comment is incorrectly paraphrased and should be revised as follows:  
“The applicant proposes to allow the Town Board to “permit minor modifications or waivers” of any of the Town’s performance standards identified in “§138-12” for the development of a Large Retail Center. The performance standards identified in §138-12 are currently applicable to all uses of land and buildings and other structures in the Town, and regulate the following areas: dust, dirt, fly ash and smoke; odors; gases and fumes; noise; vibration; wastes; glare and heat; danger; ridgeline protection; stone wall, stone chamber, and root cellar protection; and stormwater. It appears, based on the DEIS text which only describes waivers of ridgeline protection and manufactured slopes (138-15.1), that this reference should be to “138-12.I” specifically, as such, the Zoning Petition should be corrected. In addition, the second reference in Section 2 to 138-15.1 should also be corrected.”
- LU&Z-3: The response should be revised to state that the zoning petition will be revised to only permit minor modifications or waivers to ridgelines and manufactured slopes, and will exclude the remaining performance criteria.
- LU&Z-4 and LU&Z-5: These responses should be updated based on the Comprehensive Plan Update that the Town Board is considering for adoption on August 21, 2014.
- LU&Z-6: This response is not-responsive. If the applicant is unable to demonstrate what 10% would look like, then how can the Town be expected to regulate it? What would constitute 10%?

## **G. COMMUNITY SERVICES**

- Community Services: Throughout this Chapter, the figures cited for tax revenue generated by the Project do not match the figures provided on page 1 of the Economic Conditions Chapter. Please revise.
- CS-1: This response does not address the comment. The response needs to be revised to include information on anticipated call volume to the project, as well as mitigation measures (fire-suppression, security) that would be implemented to reduce project impacts.
- CS-3: Please reference the correspondence from the fire department.

## **H. ECONOMIC CONDITIONS**

- The economic analysis contained in the DEIS and the FEIS did not use industry standard methodologies or modeling, and instead relies heavily on an “independent retail leasing and construction advisor.” AKRF is concerned that this presents a potentially inflated and unsupported economic benefits analysis, and recommends that it be substantially revised and supported through standard modeling such as IMPLAN. In particular, the responses to comments EC-6 through EC-13 are insufficient.

- EC-1: Additional information about local journey-to-work data, or local unemployment, etc, would improve this response.
- EC-3: This response is not responsive to the comment. Information is being sought regarding similarly sized and populated shopping center which may compete with Crossroads.
- EC-14: This comment is incorrectly paraphrased and should be reworded as follows:  
“The amount of County sales tax reported is defined incorrectly. If the County sales tax should in fact be equal to “4.12 cents per dollar of sales tax collected by NYS” then the County sales tax should be \$331,248. In other words, please clarify whether the 4.12 percent would be applied to the state sales or the state sales *tax*.”
- EC-14: This response should be revised to more directly respond to the comment.
- EC-16: This response does not address the comment, which asks for the trade area to be estimated using another source.
- EC-26: This response should reference the more robust discussion of community service impacts found in the previous chapter.
- EC-27: This response should be revised based on the updated analysis requested above.
- EC-29: Please remove the statement that the Tax Assessor has seen no impact on value of properties that have a view of Highlands. The tax assessor states that she has not tracked such information.
- EC-31: \$81M is not 18% of \$303M. This figure needs to be revised.
- EC-33: This response is not complete or adequate. Taxes paid by Highlands should be presented at the earliest year that the project was fully assessed AND they should be presented in 1997 dollars, or, alternatively, the \$763,181 estimate should be converted to the year in which the tax receipts are presented. In addition, information on other tax revenues, including sales taxes, should be presented, if available.
- EC-34: Please confirm that the current building space of the Highlands is the same as what was proposed in the DEIS. In addition, please provide a source for the full and part time employment figures as 880 full-time employees appears to be quite high.

## **I. VISUAL RESOURCES**

- As discussed above, an introduction describing the changes to the proposed project and any potential visual impacts (or reduction in visual impacts) should be provided at the beginning of this chapter. This should include references to the new maps and analyses provided.

## **J. NATURAL RESOURCES**

The Town Wetland Inspector will be providing further comments on this chapter. However, AKRF notes the following:

- NR-1: This response should state that the runoff collected from Route 312 will be runoff from *existing* pavement that is currently not subject to stormwater collection and treatment and that this is in addition to the collection and treatment of stormwater from pavement within the new lane being created.
- NR-4: This response does not seem to address the potential impacts on special concern species.

## K. GEOLOGY

The Town Engineer will be providing further comments on this chapter. However, AKRF notes the following:

- Geo-4: This response does not respond fully to the comment. A description of the blasting plan should be provided.

## L. WATER RESOURCES AND WETLANDS

The Town Wetland Inspector will be providing further comments on this chapter. However, AKRF notes the following:

- WRW-1: More detail on the phosphorus load analysis on which base conclusion of final paragraph should be provided.
- WRW-9: The monitoring plan needs to be edited. Specifically, the following should be addressed:
  - The process for selecting the Environmental Monitor
  - That the Applicant shall pay for all necessary monitoring
  - The board to which the monitoring reports should be submitted should be identified
  - Penalties for non-compliance and/or bonding for maintenance and repair should be discussed.
  - What happens after year 5 should be addressed.
- WRW-13:
  - Clarify that the project would be served by a private sewage treatment system.
  - More explicitly state why the project would not impact Lake Tonetta. Water drains from site and flows to\_\_\_\_\_ and not Lake Tonetta. Water from Lake Tonetta flows \_\_\_\_\_.
- WRW-14: This response does not answer the question posed. While the project may be using existing wells, there will be increased demand on those wells.

## M. WATER SUPPLY

The Town Engineer will be providing further comments on this chapter. However, AKRF notes the following:

- Water Supply-Intro:
  - Note on page 1 that for retail use, the estimated water rate applied (0.011 gpd/s.f) is increased by 50% in order to be conservative since the rate was derived from metered data.
  - Re-phrase last paragraph on page 2. "...For the proposed system, well #2 at 35 gpm is 6.0 gpm under the twice average day requirement of 41 gpm. Therefore, the Applicant proposes to use the existing Terravest 'fire protection' well, which currently supplies the fire protection system for Terravest. See response to Comment #WS-1). The Terravest 'fire protection' well is estimated to have a yield of 6-8 gpm. The Terravest 'fire protection' well is 600 feet deep and is equipped with a 1HP submersible pump set at 560 feet. A 72 hour pump test will be conducted on the Terravest 'fire protection' well. If the test shows a sustained yield of 6 gpm, then together with Well #2 at Terravest-3, the

project would be able to meet the 40.5 gpm requirement with the highest yielding well in the system (Well #1 at Terravest-3) out of service.”

- WS-several: Please take out the numbers that begin each comment and align the text of the comment similarly to other comments.
- WS-3: Clarify response to affirmatively state that an Article 15-Water Withdrawal permit would be obtained.

## **N. SANITARY SEWAGE AND STORMWATER MANAGEMENT**

The Town Engineer will be providing further comments on this chapter. However, AKRF notes the following:

- San-1: In Table A, the total GPD to WWTP should be 35,973 based on figures in column.
- San-6:
  - The remaining flow cited in this response does not match the remaining flow in Table A.
  - Re-word second paragraph of response. “The only uses within Terravest that have requested connection to the wastewater treatment plant are Ace Endico and Westchester Tractor. While it was originally projected that the uses in T-1 would utilize 21,456 gpd, not uses have yet requested connection. It is expected that future uses within T-1, T-2, and T-3 will therefore require little in the way of water and sewer service, thus freeing up capacity to serve Crossroads. Therefore, caps on development within Terravest are not necessary at this time. Limits may become necessary in the future should actual water usage within Terravest or Crossroads become higher than presently anticipated.”
- San-9: This response should also reference San-6.

## **O. STORMWATER MANAGEMENT**

The Town Engineer will be providing further comments on this chapter. However, AKRF notes the following:

- Storm-9: Confirm that the mitigation proposed for the wetland buffer disturbance (ie, capturing runoff from existing pavement of Route 312) will be in addition to the mitigation proposed for widening Route 312 (ie, capturing runoff from existing pavement of Route 312). An appropriate amount of mitigation, (ie, capture of pavement runoff) must be installed for both impacts.
- Storm-18: This response does not fully respond to the comment.
- Storm-31 and Storm-33: These comments have no attribution.

## **P. EROSION CONTROL**

The Town Engineer will be providing comments on this chapter.

## **Q. TRAFFIC AND TRANSPORTATION**

### **REVIEW OF THE RESPONSE TO COMMENTS**

- Traffic 18 – response states a separate Highway Safety Investigation was conducted with the latest available accident data for Independent Way/ NYS Route 312 and at the Applebee’s driveway. What was the conclusion from that investigation?
- Traffic 19 – please strike the word unavoidable from the response (see attached for revised language).
- Traffic 22 and 23 – Traffic 22 states that Farm to Market Road was not included in the analysis since site traffic is not expected to utilize these roadways. However, in Traffic 23 it is stated that Farm to Market Road would carry 10, 12, and five percent of the site traffic during the weekday morning, weekday afternoon, and Saturday midday peak hours.
- Traffic 39 – See attached edit. Also, the response needs to more accurately explain why the use of ITE Trip Generation Manual estimates are conservative relative to the full build out conditions for Highlands’ project based on data collected for the 2014 Crossroads traffic study. It’s recommended to show in tabular format a comparison of the ITE Trip Generation Manual estimates for a shopping center versus the actual counts conducted at the Highlands.
- Traffic 40 – A more detailed explanation is required that illustrates how conditions with the use of Intelligent Transportation System (ITS) infrastructure implemented as part of the project would improve conditions along NYS Route 22 over Existing and No Build conditions. Also, does this assessment assume that all proposed improvements were approved by NYSDOT? It still must be determined if certain intersections where traffic signals were proposed satisfy signal warrants and if NYSDOT is in agreement with these measures.

### **GENERAL COMMENTS ON FEIS TRAFFIC IMPACT STUDY**

- Trip Generation - A 25 percent pass-by credit is reasonable to assume, however, the pass-by credit should be applied to the total trip generation and balanced for the entering and exiting trips. Table 4 in the traffic study shows the pass-by credit applied to both the in and out trips, resulting in an unbalanced pass-by credit
- Trip Assignment – The driveway across from the I-84 Westbound Ramp does not have vehicles making a northbound right-turn out of the site and westbound left-turn vehicles into the site. While the secondary driveway to the east does show these movements, it would be expected some vehicles would exit from this driveway at I-84 to travel east. In addition, since a westbound left-turn lane is proposed for at the I-84 intersection into the site, some volumes should be shown making this movement to verify the need for the left-turn lane as well as show if the protected westbound left-turn lane would impact operations of the eastbound through movement.

### **REVIEW OF SYNCHRO/SIMTRAFFIC**

- SimTraffic – a review of the SimTraffic model shows that all vehicles are being served during the peak hour sand there are no coding issues. However, it should be noted the simulation was run three times with the results averaged, while according to FHWA’s *Traffic Analysis Toolbox Volume III: Guidelines for Applying Traffic Microsimulation Modeling Software* report, the simulation should have been run eight to 12 times. AKRF did run the simulation ten times which showed similar results presented in the traffic study.
- The intersection of NYS Route 312 and North Brewster Road should also be analyzed assuming that the proposed new church driveway would be aligned opposite North Brewster Road.
- Signal timings -, the coded traffic signal timings for the Synchro files of the Crossroads 312 TIS were compared to the provided New York State Department of Transportation (NYSDOT) traffic signal timing plans for the following intersections:

- NYS Route 312 and U.S. Route 6
- NYS Route 312 and Independence Way/I-84 Eastbound Ramps
- NYS Route 312 and I-84 Westbound Ramps
- NYS Route 312 and International Boulevard
- NYS Route 312 and Brewster Hill Road/Farm To Market Road
- NYS Route 312 and NYS Route 22

Based on this review, we have the following comments (see attachment A for examples):

1. The provided NYSDOT signal timing plans for the following intersections are outdated and have been superseded by newer signal timing plans; (1) NYS Route 312 and Independence Way/I-84 Eastbound Ramps (2012) , (2) NYS Route 312 and I-84 Westbound Ramps (2010), and (3) NYS Route 312 and Brewster Hill Road/Farm To Market Road (2012). In the case of the NYS Route 312 and Independence Way/I-84 Eastbound Ramps intersection, the provided NYSDOT signal timing plan includes a schematic of the old intersection geometry prior to the improvements which provided additional lanes at each one of the approaches. A newer signal timing plan is on file with NYSDOT which contains an updated schematic which matches the current geometry of the intersection which was coded into Synchro. The updated signal timings should be obtained and the signal timings in Synchro should be updated accordingly.
2. The intersection of NYS Route 312 and International Boulevard is coded as a (fully) actuated-coordinated signal. The provided NYSDOT signal timing plans indicate that the signal at this intersection is a semi-actuated signal. The Synchro files should be updated to correct this.
3. For the intersection of NYS Route 312 and Brewster Hill Road/Farm To Market Road, the most recent NYSDOT signal timing plans (2012) indicate that the Eastbound/Westbound NYS Route 312 phase operates on Maximum Recall. The Synchro files at this location show this phase operating on Minimum Recall. The Synchro files should be updated to correct this.
4. For the intersection of NYS Route 312 and NYS Route 22, a NYSDOT signal timing plan was not provided as part of the backup. AKRF obtained a copy of the signal timing plans from NYSDOT and noted that when compared against the coded Synchro signal timings there were discrepancies between the some of the green, yellow, and, red timings, as well as cycle lengths. The NYSDOT signal timing plans indicate that the Northbound/Southbound NYS Route 22 phase operates on Minimum Recall while the Synchro files at this location show this phase operating on Maximum Recall. This intersection also shows different signal timings coded between Existing, No Build, and Build conditions for the AM and PM peak hours. The Synchro files should be updated as needed to address these comments.

In addition to the items outlined above, each of the signalized study area intersections had some degree of discrepancy between the coded signal timings and the official NYSDOT signal timing plans provided (see attached backup summary tables). These discrepancies include green, yellow, and red times and cycle lengths. Each of the coded intersection signal timings should be re-examined and updated to reflect the most recent NYSDOT signal timing plans that are applicable.

## **R. AIR QUALITY**

AKRF will have further comments on this chapter. However, our initial comments are as follows:

- Air Quality Table 16-1A: The notes numbers at the bottom of the table are not visible.
- Air-2: Putnam County is listed as being in moderate non-attainment for the 1- and 8-hour ozone standard (see <http://www.epa.gov/oaqps001/greenbk/ancl.html#Notes>).

- Air-8: The response does not address the comment, which requested information on the potential impact to air quality from the parking related uses and operations on the site.
- Air-10: Putnam County is listed as being in moderate non-attainment for the 1- and 8-hour ozone standard.

## **S. NOISE**

AKRF will have further comments on this chapter. However, our initial comments are as follows:

- Noise-1: The response does not address the comment. The traffic levels along NYS Route 312 appear to be 10-12% higher during the peak period than during the period of 3pm-4pm.

## **T. ALTERNATIVES**

- Alt-1: This response does not address the comment, which states that a site plan that is more respectful of existing topography could be developed.
- Alt-2: This response does not address the comment, which states that a site plan that is more respectful of existing topography could be developed.
- Alt-4: This response should refer to a specific comment/response in Chapter 11.
- Alt-7: This response should detail the source of the assumptions.

## **U. MITIGATION MEASURES**

- Mitigation-Introduction: This section should list the mitigation measures proposed in each chapter.
- Mit-1: This response is contradictory with earlier statements in the FEIS, which state that wetland buffer disturbance would be mitigated by capturing and treating stormwater from existing portions of Route 312 in which the runoff is not currently captured and treated and where that runoff negatively impacts the wetland and buffer currently.

## **V. GROWTH INDUCING AND CUMULATIVE IMPACTS**

- Growth-2: This response does not fully address the substantive comment raised. Information regarding the number and suitability of potential employees in the target area should be provided.
- Growth-3: First word of second sentence should be 'every'.
- Growth-4: This response is not adequate. Studying the potential impacts of the zoning text changes on other parcels currently zoned RC is an important part of an EIS that studies a zoning change. Other RC zoned properties that could meet the special permit criteria proposed by the zoning amendment should be identified.