

[REDACTED]
Brewster, NY 10509
January 30, 2015

Southeast Town Board
1360 Route 22
Brewster, NY 10509

RE: Crossroads at 312

Attention: Town Board

I am writing to express my concerns and views on the project named Crossroads at 312.

I attended the Crossroads at 312 public hearing on January 22, 2015. I came away with a few impressions, and some opinions that I would like to share with the board.

It seems that there is a lot of misinformation and misunderstood information about the project. Efforts to inform the public has lead to confusion about what would be currently allowed in RC, what would be allowed if it were changed to HC-1 and all of the additional waivers and permits that the developer is asking for. It seemed that the developer deliberately left out information and when questioned did not have the answers.

The question really seems to be whether or not a box store should be allowed. One of the most disturbing things is that even if the zoning were changed the project would still require 3 waivers and a special permit. The developer also seeks to increase the allowed square footage in an HC-1 zone, from 57,000 square feet to 146,000 square feet of retail, not including the hotel. The plan shows for huge amounts of cut and fill on the site and retaining walls (one of the waivers required). All of this requires the laws to be changed. What is being asked is to me an unbelievable over the top request compared to what is allowed if the zoning is changed.

The top of a mountain was cut off in order to build the Highlands. This project is visible from many areas of town. It is especially visible from all areas of Tonetta Lake except Cooledge Parkway and Tonetta Lake Way. I-84 is not even visible from these areas. I have taken the tour. The Highlands is a good example of poor design and planning. If the Crossroads is built is it to look and be the same Highlands all over again?

The Comprehensive Plan was just reworked leaving the RC zoning in place. The Crossroads at 312 was purposely left out of all discussions.

I have stated before in a letter to the board that I work with the major retailers. They are not making their projected numbers; business is not good for them. They are not expanding their brick and mortar, in some cases closing stores, focusing on technology and expanding their ecom businesses, that is the trend.

The developer spoke about the same people being against every project and think that it is noteworthy that many people who spoke against the project are fairly new residents to this community and did not live here when the Highlands was built.

Mr. Terlizzi spoke about the environment and ecological repercussions to Tonetta Lake. The other projects that are on the horizon on 312 should be taken into consideration as for the overall adverse environmental impact on the surrounding ecosystem and quality of life issues faced by the residents and the wildlife community.

I would like it to be noted that I am not a Republican or a Democrat. I believe in and vote for individuals who I believe will serve the best interests of the citizens. The decision about whether the zoning should be changed or should not be a political issue or about what one has to gain monetarily or otherwise.

I would respectfully ask the 3 board members who are in favor of this project to look in to their hearts and do what is best for our community. If you lived on Tonetta Lake and had a beautiful view of the lake from your living room window, which is already compromised by a view of the Highlands, how would you feel if it were about to be replaced by even more lights and big ugly buildings?

Thank you.
Sincerely,
Cherie Ingraham

Michele Stancati

From: Tony Hay [tonyhayusmc@gmail.com]
Sent: Monday, February 02, 2015 3:29 PM
To: [REDACTED]
Cc: Bob Cullen; Chris DuBois; Edwin Alvarez; Liz Hudak; Lynne Eckardt; Michele Stancati; Will Stephens
Subject: Fwd: Crossroads Rezoning

Dear Mr. Singer,

The Town is in receipt of your e-mail. Thank you. Tony Hay

----- Forwarded message -----

From: Art Singer <[REDACTED]>
Date: Mon, Feb 2, 2015 at 2:53 PM
Subject: Crossroads Rezoning
To: tonyhayusmc@gmail.com

Supervisor Tony Hay
Town Board of the Town of Southeast
1360 Route 22
Southeast, NY 10509

Re: Rezoning Petition of Crossroads 312

Dear Supervisor Hay and members of the Board

In the Crossroads FEIS there were citizen complaints about sewage smells emanating from the sewage treatment plant located at the Brewster Highland development located behind Home Depot, which is owned by the same developer as the proposed Crossroads 312. The developers reply in the comment section of the FEIS was that it was due to the tanks being emptied into a tanker truck, which is performed on a weekly basis. I decided to check it out for myself. On my four visits I found that, indeed there was a strong odor coming from the treatment plant building, however there were no trucks present on any of my visits. I then read the following statement in section 4 of the Crossroads FEIS.

The water supply and waste-water disposal facilities which will serve this development must meet the County Sanitary Code and the New York State Department of Environmental Conservation and New Health. A detailed review of the engineering plans and specifications will be required prior to final approval and waste water facilities serving this project.

(pCDOH (10/18/2013))

I FOILED the Putnam County Health Department for all records pertaining to both the Terrevest and Brewster Highlands Sewage treatment plants. Expecting to see records of

inspections by Putnam County Health and NYS DEC, but all I found were contractor's monthly monitor reports for the Highlands from 2002 through 2007 and Terrevest, contractor's monitor reports from 2008 through 2011 and this is the year of 2015. I questioned Rob Morris the Director of Environmental Health, but he could not explain the missing files and said that it was just prior to Xmas, with staff on vacation and he would get back to me on the missing documents, which he never did.

So if Putnam Health wasn't looking out for us then the DEC must be the one. I called Armon DeAngeles of the DEC in White Plains which is the permitting agency and he is the person responsible for inspecting sewage treatment plants. I asked him how often and when was the last time the two plants were inspected. He said that they now only inspect plants every two and a half to three years. The dates were as follows, Highlands September 2nd, 2009 and May 24, 2012 and for Terrevest July 18th, 2008 and June 27th 2011 [REDACTED]

I brought up the issue of my smelling sewage on my several visits at Highlands and he came up with a familiar response saying that it must be when the pumper truck is emptying the tanks. When I told him that was not the case, he begrudgingly said he would call the developers contractor, which doesn't exactly instill a feeling of confidence in the process. The developers statement in the FEIS that there is sufficient capacity for Cross Roads sewage at the Terrevest plant, maybe the right answer for the wrong question. Mr. DeAngeles advised me that in order to inspect the DEC files I have to FOIL to DEC in New Paltz.

Does the lead agency, which is the town board in this case, responsibility end with the completion of the SEQR process?

While the State Environmental Quality Review Act (SEQR) requires local government agencies to consider the environmental impacts along with social and economic factors during your decision making process, may be a step in the right direction. However as a former chairman of a planning board I can tell you that the process, has over the years, turned it into a form of three card monte, effectively curtailing your review to those huge multi page SEQR documents, that is if board members allow it. The full story and all the impacts are yet to be discovered at Crossroads 312, which requires the due diligence of all lead agency members. Sewage treatment plant proper and safe operation is just one example of many questions still open to question and therefore It is premature to consider rezoning at this point in the process.

Even though it is the responsibility of the Town Board members to make sure that your constituents are fully protected I am willing to file the FOIL with the DEC and obtain the records for your examination. Just give me the word.

Sincerely,

Art Singer

[REDACTED]
Brewster, NY 10509

February 2, 2015

Supervisor Tony Hay
Town Council Member Alvarez, Cullen, Eckardt and Hudak
Southeast Town Hall
1360 Route 22
Brewster, NY 10509

Dear Supervisor Hay and Town Council Members Alvarez, Cullen, Eckardt and Hudak:

Thank you for all the hard work you have been doing to ensure that the proposed zoning change requested for Crossroads 312, from the current RC Zoning to HC-1 Zoning and the additional changes to HC-1 Zoning, is scrutinized with the utmost regard for the well being of *all* the residents of the Town of Southeast.

Supervisor Hay has previously pointed out the many traffic problems currently existing on Route 312. There are no plans mentioned in the FEIS for widening the bridge over Route 84, so no matter what road improvements are done to Route 312 there will always be a bottleneck at the I-84 overpass which will impede the flow of traffic

The proposed four story hotel and four retail buildings, which will be built on a ridgeline overlay area, will be seen from various vantage points in our town. The FEIS only shows possible views west, from Sunset and Locust Roads. (see link below)

http://www.crossroads312.com/uploads/FEIS_Chapter_23_Illustrations_13.1-15.2.pdf
http://www.crossroads312.com/uploads/FEIS_Chapter_23_Illustrations_13.1-15.2.pdf

FEIS Map 20 shows *Area Of Potential Visibility From Residential Areas*. I would like the town board, to request computerized 3-d renderings from the developer, showing all possible views of this proposed development from the areas on that map, in particular Shore Drive and Cooledge Drive. Potential visibility of the project from non-residential areas should also be viewed. If the project can be viewed from someone's property in town, there is a potential for the devaluation of the real estate of those homes.

I know many people are in favor of having more shopping opportunities available in Putnam County but the reality is many shopping areas already exist in close proximity to us and in our current economic climate these stores are not going to be built here, otherwise Patterson Crossing and Stateline Shopping Center would have been built out already.

I do not support the change of zoning for Crossroads 312 as I believe it will negatively affect the quality of life for the majority of residents in the Town of Southeast especially anyone who travels daily on Route 312. I also believe you can't stop development, but you can control it, which is what your job as a town board member entails. I do support a Hotel/Conference Center, which would be a welcome addition to our town and is a special permitted use in the current RC Zoning. I urge the Town Board to vote NO on the zoning change.

Regards,

Cathy Croft

Michele Stancati

From: [REDACTED]
Sent: Sunday, February 01, 2015 8:19 AM
To: townboard@southeast-ny.gov
Subject: Disregard first letter -Revised -Opposing Crossroads 312 Zoning Change .

To: Supervisor Tony Hay, Town of Southeast and Members of the Town Board
From: Ann Fanizzi
Re: Letter - Opposing Crossroads 312 Zoning Change

At the December 18th Public Hearing, Councilman Cullen refuting resident claims that Crossroads 312, presented a clear and present danger to life and limb, proudly held aloft letters received from the Sheriff's Department and the Brewster Fire District which appeared to vouch for the adequacy of services in protecting the health and safety of the residents of the Town of Southeast should Crossroads 312 be built. Both letters coincidentally were written on the same day and year, December 12, 2012 and significantly not addressed to our Town Board but to Mr. Doyle connected to the Lepler Crossroads project. Further, 22 letters recently received by the Town Board, some of which were form letters which simply regurgitated the talking points of the developer and one of which was from the brother of the attorney for the developer, Jim Hogan, similarly mentioned the assurances of our police and fire services that improvements to the road, would mitigate any safety concerns.

Yet, a closer reading of the two letters should have raised an eye brow or two or three among the Town Board members, especially Councilpersons Cullen, Alvarez and Hudak. While Sheriff Smith's letter appears to confirm developer's assertions that Crossroads 312 itself is safe, it nonetheless raises the troublesome specter that the safety is limited to the project area itself and not to the 38 miles patrolled. The letter also raises the issue of putative tax benefits to residents, **" that law enforcement costs to taxpayers would of necessity increase"** - a point of course, omitted by the developer and supporters of the project. As a matter of fact, the Sheriff noted that "at the present time, the department received two to four calls weekly from the shopping area of Brewster Highlands (interestingly enough never published in the papers). Would that statistic double should Crossroads be built with a hotel, discounter and three additional stores at a highway intersection to a total of approximately 400 per year requiring additional resources?

To quote the letter: that although the department "does not anticipate a significant impact to the Putnam County Sheriff's Department in providing police protection attributed to Crossroads; however Putnam County is one of the fastest growing counties in New York State, the collective impact of many new developments on law enforcement would most certainly require more law enforcement resources in the future." There are indeed new developments anticipated throughout the Route 312 corridor i.e. Dykeman Corporate Park and old developments that are or have been expanded i.e. Unilock, Ace Endico, with Terrevest itself capable of hundreds of thousands more of square feet of new construction straining current police resources and ability of Southeast's only east to west artery, providing safe and timely transit.

Lastly, the developer in the FEIS conceded that the feeder roads leading to Rte 312 from the east.- Minor, Penny Lane, Karlsen, Rocco, etc. - even under his "smart" improvements, would continue to experience delays.

"Motorists currently residing in these residential neighborhoods and any future residents will experience delays on the minor road approaches and need to wait for acceptable gaps in the traffic stream on Route 312 to exit onto the roadway. Traffic exiting a minor road to Route 312 can and will result in delays for motorists during any peak hour."

Similarly, the letter from the Brewster Fire District Commissioner O'Hara also addressed to Mr. Doyle, seeks to assure that "the department has sufficient equipment for Crossroads," but does not dispel many troubling questions, among which who initiated the letter; was the letter the result of a consensus of the volunteers in that department - did they even know about it - or was the letter the work of one person at the persuasive urging of Mr. Doyle.

Putting that aside, does the letter address the issues raised by an EMS volunteer, Keith Napolitano as to the impediments to EMS response time posed by the very "improvements" touted by the developer: the installation of four additional "smart traffic lights" totaling nine from Route 22 to Route 6 in Carmel. According to Commissioner O'Hara, "of the 2,200 calls received, only 700 of which were for fire-related incidents, the rest being EMS related", an astounding 70% of calls which relied on quick response by personnel, in a department that had only one paid daytime worker; 25 being

volunteers; two on call from 6AM to 6PM, with after 6 calls handled by the Fire Department until 10PM, at which time duty crews cover 10PM to 6AM.

Compounding the issue of adequacy of personnel is the location of the Fire Station off North Brewster Road feeding into Rte 312. Will fire or EMS have to "wait for acceptable gaps to enter Route 312"? EMS volunteer Napolitano informed the audience at several meetings, including the one on January 22nd of an additional impediment to rapid response time: the volunteer probably was at home not at the Brewster Fire House - more preparation and travel time wasted, as perhaps a resident experiencing life-threatening heart failure saw his/her life ebbing away by more than the six minutes that studies have indicated as the window for effective intervention.

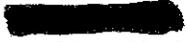
As if there weren't enough obstacles, one other was mentioned by several residents: man-made - the bridge over I 84 connecting the west side with Brewster Highlands to the east side, the proposed location of Crossroads 312, the squeeze point of a widened and "smart" signalized Route 312, a choke point ready made for backup, impeding the timely and smooth flow of traffic of police, fire, EMS and residents alike.

It is disappointing that at several of the public meetings these life and taxpayer issues were either overlooked or dismissed by some of our elected representatives whose sworn and first duty is to protect the life and welfare of the residents of the Town, not to enable and realize the profit-making schemes of a developer or to enhance the county's financial position. And what is most shocking is that perhaps the letters were not read carefully by Mr. Cullen, a former police officer, and simply accepted without due consideration of the life and welfare consequences for the residents of the Town.

Contrary to the intent of Mr. Doyle and the Lepler organization to use the Sheriff's and Fire Department letters as vindication for their request for a zoning change from Rural Commercial to Highway Commercial, they are proof positive that such a change should not take place and should not be approved by the Town Board.

Sincerely,
Ann Fanizzi
Putnam County Residents' Coalition
Southeast Residents for Responsible Development
CC: James Bacon, attorney

JAMES BRYAN BACON, ESQ., P.C.
Attorney and Counselor at Law


New Paltz, New York 12561
(845) 419-2338

February 2, 2015

Supervisor Tony Hay
Town Board of the Town of Southeast
1360 Rt. 22
Southeast, NY 10509

Re: Rezoning Petition of Crossroads 312, LLC

Dear Supervisor Hay and Members of the Board,

Please accept the following comments submitted on behalf of the Putnam County Residents' Coalition and the Southeast Residents for Responsible Development regarding the rezoning application proposed by Crossroads 312, LLC (Applicant) located on a ridge at the southeast corner of Rt. 84 and Rt. 312.

The Applicant's rezoning application seeks to change the Town's Rural Commercial (RC) zone to a hybridized Highway Commercial (HC-1) zone with multiple waivers from ridgeline and slope protection provisions customizing the Code to suit the Applicant's chosen development scheme. The facts present a text-book spot zoning case and the Town Board should carefully consider whether it should create a precedent that so sharply deviates from the last twenty years of municipal planning in Southeast.

Initially, the Applicant invented an entirely new zone (HC-1A). When that effort failed, it presented a proposal eliminating the RC zone in favor of a hybridized HC-1/RC zone combining large-scale retail use and a hotel (permitted in RC but not HC-1).

However, New York's bedrock principle in land use law and planning is that zoning amendments must follow the recommendations of the municipality's Comprehensive Plan (CP).

Here, *in response* to the negative impacts upon community character and traffic from the Highlands development located at immediately across Rt. 84 from the proposed development site, the Town amended the CP (2002) recommending the *elimination* of retail use, (except as an accessory use), for the project site. The Town

then proceeded to zone project site from office/commercial to RC. The Applicant did not challenge the Town's rezoning.

Moreover, from 2013 to 2014 the CP committee hammered out a CP update over many months reviewing community and stakeholder input. Tellingly, the residents overwhelming indicated less density and less retail was preferable at the project site. As a result, the 2014 CP update did *not* recommend scrapping the RC district to allow a higher density development and there remains *no* support in CP to reverse course to allow large-scale retail use at the project site.

I. Project Setting

The Applicant's 51-acre site is located at the northeastern corner of the Rt. 84 and Rt. 312 intersection.

The CP notes:

"The interchange of Interstate 84 and Route 312 has also developed as a node of commercial development with the construction of the Highlands Shopping Center and Terravest Corporate Park."

At 3-1. The development of this commercial "node" brought with it significant increases in traffic, accident rates and concern that the town's rural character was eroding. It was for precisely these reasons that the Town instituted a moratorium on commercial development on Rts. 22 and 312 and identified the project site as one of four locations¹ requiring rezoning. Thus:

"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.

¹ "The 2002 Comprehensive Plan evaluated the development potential of vacant parcels of land in the Town. In response to concerns about over-development and the loss of significant "gateway" or open space parcels, the Town rezoned a number of parcels to Rural Commercial (RC), Gateway Commercial, or otherwise reduced the development potential of the parcels. The plan specifically identified the following large agricultural or vacant parcels as being along gateways to the Town on land notable for its scenic qualities and rural character: (1) land along either side of Route 312, between Route 6 and Pugsley Road; (2) land along either side of Route 312, between I-84 and the railroad tracks; (3) land to the west of I-684 along Guinea Road; and (4) land on either side of Route 22, between Brewster Hill Road and Virginia Woods Drive (see Figure 7-2)." CP at 7-2, emphasis added.

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.

Id. at 5-6.

In 2005, the Town Planner detailed the history and intent of the Town's rezoning efforts establishing the RC zone to maintain the Town's rural character:

"The Town has undergone several rounds of zoning and subdivision changes in 2003 and 2004 to implement the Comprehensive Plan. Specifically, the Town has downzoned many areas to reduce potential development intensity in both residential and commercial areas.

"[T]hree new zones were created for areas where less intense development is appropriate...

[The RC zone] permitted uses² are also more compatible with community character and would produce less traffic than the existing office or retail uses. They are also more consistent with the community's rural character, especially at these important gateway locations."

See letter of Graham Trelstad June 28, 2005 (page 2) included herewith.

The 2014 updated CP did not falter in its support for the RC zone. In fact, it is unequivocal in its support. The CP, in no uncertain terms, 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."

² The RC zone's as of right uses are Office, Restaurant, Recreation and Kennel. Special permit uses are Bed-and-breakfast, Cemetery, Country inn, Conference center, Equestrian center, Farm use, Hotel, Institutional, Nursery, Public utilities, Research labs, Kennels and Animal hospitals.

II. Project Components

Rather than adhere to the RC, the Applicant is urging the Town to ignore more than a decade of CP amendments and planning efforts to convert the project to a highway-dependent large-scale retail use while rolling back ridgeline and slope protections. Briefly, the project entails:

- 243,000 sq. ft. development of 4-story hotel and big-box retail
- Project site “sloped in all directions” from 16% to 83% slopes
- Approximately 7 acres Ridgeline disturbance
- 31 acres of total disturbance
- 384,000 cubic yards of soil and bedrock cut (of which 200,000 c/yds is bedrock)
- 4000 feet of retaining walls 30’ high
- 17 acres impervious surfaces
- 721 parking spaces

The Code presents a problem to the Applicant. The Applicant wants a hotel and large-scale retail use. No section of the Town Code permits this combination. So the Applicant has devised a scheme whereby the Town’s HC-1 zone would be corrupted to allow a non-permitted use – a hotel - and increase the HC-1’s 35 feet/2 story height maximum to allow a 4 story structure.

Again, the customizing of zoning to suit a particular applicant’s development scheme which contravenes years of thoughtful planning and hundreds of hours of its consultant’s time as well as the input from residents and stakeholders is improper. Indeed, this point was made time and time again at the Town Board’s January 22, 2015 public hearing by members of the public, some of whom served on the original CP committee and by others that attended and participated in the adoption of the RC zone.

III. The Comprehensive Plan does not authorize the Proposed Rezoning

As made crystal clear by the 2014 CP, the 2002 CP recommended four major land use changes for the Town for the purpose of limiting density and preserving rural character. (CP at 5-21). Of those four initiatives, only one addressed commercial zones. The singular goal of that commercial initiative was:

“Creation of a new ‘Rural Commercial’ zoning district to replace certain Office Park (OP) zoning districts that will permit commercial development that has a smaller impact on environmental systems and the

traffic network, but that will still permit high-value uses related to the Town's rural character."

Thus, the Town implemented the CP by rezoning project site and three other areas to RC. The Applicant's attempts to characterize its proposal as consistent with the CP utterly fails. The plain words of the CP are unmistakable. Retail use was the only use discouraged for the project site. Now, in a 180 degree turnabout, not only is retail use proposed, it is planned to be at the largest possible scale and is the defining feature.

It is an inescapable fact the CP resident surveys, committee members and a majority of the Town Board overwhelming favored maintaining the RC zone. The 2014 CP makes the precise point:

"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."

CP at 7-3.

And, rather than replacing the RC zone with a large-scale retail use, the CP recommends just the opposite - expanding RC for uses that *minimize* parking and sewage discharge:

"The list of allowable uses in each district should be evaluated for possible inclusion of "environmentally friendly" uses that do not generate large amounts of wastewater or that require large impervious surfaces."

Moreover, the Planning Board's minutes from June 23, 2014, show the Town Planner considered and rejected the idea of rezoning the project site advising that "there is not a specific zoning recommendation for that lot other than it would stay RC." *Id.* at page 6 of 7. Town Councilwoman Eckardt agreed cautioning that the Town should "avoid spot zoning and would need to look at all of the RC Zones at once." *Id.*

Finally, if the Code were to be amended, the CP directs the Town Board to "put a greater emphasis on... mitigation of potential impact of a particular use (e.g. traffic)." At 5-24. Thus, wiping out the RC zone and restructuring the Code to benefit one Applicant's a large scale retail development is abhorrent to the Comprehensive Plan.

IV. Spot Zoning

Illegal spot zoning is:

“the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners * * *, “spot zoning” is the very antithesis of planned zoning.”

Rodgers v Village of Tarrytown, 302 NY 115 (1951). Whether an action constitutes illegal spot zoning turns on whether the action benefits a few to the detriment of the community and contrary to a well-considered and comprehensive plan calculated to serve the general welfare. *Collard v Flower Hill*, 52 NY2d 594 (1981).

A. Benefits to a Few

The Applicant seeks to maximize its financial return from the project site by eliminating a signature feature of the 2002 CP designed to prohibit large-scale retail use at four gateway locations in the Town. This proposal threatens to irrevocably alter Rt. 312 corridor to a retail-based strip jammed with hundreds and hundreds of vehicles waiting at traffic lights. That is exactly what the RC zone was instituted to prevent.

B. Public Detriment

i. Traffic

The legislative history for the adoption of the RC zone repeatedly identify its purpose as discouraging overdevelopment, especially by intensive uses. There is no higher generation of traffic than large scale retail.³

The FEIS (Traffic-1) claims “[t]he proposed development program presented in the FEIS is anticipated to generate 170, 588 and 859 primary vehicle trip ends during the three peak hours, respectively.”

Again, that is precisely what the Town sought to avoid in enacting the RC zone. The findings of the Town Board in adopting the 2002 CP and its 2014 update are that intensive retail development brings more traffic which impairs residents’ quality of life and further erodes the Town’s rural character.

³ This debunks the Applicant’s repeated assertions that its square footage total under the rezoning would equal development under the existing RC zone. Obviously it is the use of the land that determines traffic counts not gross square footage.

The Applicant claimed that “the majority of the volumes on Study Area roadways and at Study Area intersections have decreased over time,” no doubt referring to the economic downturn that occurred in 2008. (FEIS at Traffic, 13). This is a repetition of the DEIS’s claim that:

“A comparison of traffic volumes over the last several years shows that volumes are static and in many locations slightly reduced. The project traffic consultant reports that a meeting in October 2012, NYSDOT agreed that more recent traffic counts will show lower volumes and that continuing to use the 2009 volumes originally presented for the project is considered to be more conservative, see Traffic Chapter 10.”

DEIS ES-4.

The FEIS also reports “Route 312 also experiences capacity problems at the unsignalized intersection with the westbound on/off ramp of I-84.” Id. at 8.

Following some discussion, the FEIS concludes that:

“[I]t is the opinion of the project traffic engineer that the Crossroads 312 development and its related roadway improvements are vital to the future operation of the Route 312 Corridor.”

FEIS at Traffic – 5.

This finding is simply not supported by the evidence. On one hand, the FEIS states traffic has decreased over time (relying on 2008 traffic counts from one of the worst economic depressions in recent history). It then claims the Town must grant the rezoning to ensure the functioning of the Rt. 312 corridor. Obviously, it is the Applicant’s traffic increases which will exacerbate current problems. And, if there is a current problem with the westbound on/off ramp, other measures much less drastic than adding another 150,000 square feet of retail use should be considered – such as a traffic light. The idea that foisting another 900 cars into the interchange will bring stability and safety is simply not rational. In fact, the Town has repeatedly sought to institute a traffic improvement district to make sure that any gradual increases in traffic volumes are mitigated systematically. That response is far more logical and consistent with the CP than claiming that another 900 cars an hour is a problem-solver.

In fact, the argument that the Town must rezone land pursuant to a (dubious) traffic mitigation proposal is no basis to rezone. (See *Deligtisch v Greenburgh*, 135 NYS2d 220 [Sup Ct, Westchester County 1954], “[c]hanging districts merely on account of traffic conditions would destroy the stability of zoning.”)

ii. Rural Character

The CP makes it clear that ridgelines should be preserved.

“The ridgelines, wooded hillsides and hilltop pastures of Southeast are important natural assets that remain largely unspoiled by development. Following the 2002 Comprehensive Plan, the Town of Southeast created a ridgeline protection ordinance to prevent buildings from being constructed on slopes that could be perceived as rising above the ridgeline. It is the recommendation of this Comprehensive Plan that the tops of ridgelines that are visible from public roadways, parks, or other scenic community resources, continue to be protected.”

Id at 5-12.

Specifically, Section 138-12(I) of the Code provides:

Ridgeline protection. Buildings, structures, including towers or storage tanks or other improvements, within any area defined as ridgeline shall not, to the maximum extent practicable, be visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding private property or public rights-of-way in adjoining lowlands or adjoining ridgelines by cause of excessive clearing, building or structure height, or location of any building or structure with respect to the top of the ridgeline; nor shall excessive clearing of any ridgeline area 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,” for the purposes of this section, shall mean the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed. [Added 4-24-2003 by L.L. No. 7-2003; amended 1-22-2004 by L.L. No. 2-2004]

Here, the Applicant plans to remove approximately 7 acres of ridgeline forest – well over the Code’s 10-tree maximum. (See Site Plan Map L-3 Ridgeline Area.)

And, rather than conform to the HC-1’s maximum height of 2 stories or 35 feet, the Applicant’s 4-story hotel (or 50 foot maximum height) will be visible from area neighborhoods. Indeed, the project’s SEQRA findings statement admitted that the project will be visible from the North Brewster Road area. The Applicant’s economic benefit is not sufficient cause allowing violation of the Code’s ridgeline protections, again environmental protection provisions developed by the CP committee. And, these ridgeline protections should not be rolled back especially because they were

implemented by the Town in part in response to the prominent visibility of the Highlands project which has become the poster-child for poor ridgeline planning.

Further, the Applicant is seeking a general waiver of the Town Code to permit the project to deviate from the Town Code's grading and land disturbance requirements. (Section 138-15.1).

The Applicant does not specify which provisions it seeks to be waived for its 4000 feet of retaining walls 30 feet high.

In sum, as demonstrated by the project's impacts upon steep slopes, 384,000 cubic yards of soil and bedrock disturbance, (enough to fill a football field 180⁴ feet high), the deforestation of the ridgeline and addition of hundreds and hundreds of vehicles, the development is simply over-sized for the project site.

The matter of *Yellow Lantern Kampground v Cortlandville*, 279 AD2d 6 (3d Dept, 2000) is precisely on point. There, the Town "grounded its determination solely on the economic benefit the community would derive from respondent's [proposed use]." The court rejected the Town's economic rationale stating:

"[T]hat kind of reasoning would justify the transformation of substantially any nonconforming use into a conforming one by the facile device of rezoning the affected parcels. Rezoning on that basis impermissibly 'rewards the nonconforming user, contravenes the strong policy intended to achieve the ultimate elimination of nonconforming uses * * * and diminishes the effectiveness of the comprehensive zoning plan.'"

(See also *Cannon v. Murphy*, 196 AD2d 498 (2d Dept 1993).

V. Conclusion

Tailoring the Code to advance a particular development scheme, on a single parcel of land to suit the economic whims of an applicant to the detriment of the community is a remarkable abuse of a Town's police powers.

However, what is truly shocking is that the Town has just completed an update of its Comprehensive Plan affirming the necessity of the RC zone as a means of preserving the Town's gateway, rural character, ridgelines and curtailing traffic

⁴ The area of a football field is 6399.60 sq. yds. (120 x 53.33 yds.) which divided into 384,000 is 60 yds. or 180 feet.

congestion. Intensive retail uses on the project site cannot be “incompatible” with community character one minute and magically become consistent the next. The series of commercial rezoning to RC districts accomplished approximately ten years ago were to address the long-standing need to manage burgeoning traffic and erosion of community character. Those goals have not changed. They remain imbedded in the Comprehensive Plan and the RC zoning which specifically targeted the project site. And, nothing in the 2002 CP or its 2014 update supports conversion of the site’s use to large scale retail, especially where that conversion would result in a hybridization of the Code’s districts, waiyers of ridgeline protections and specifications of manufactured slopes. Therefore, as a matter of law, the rezoning petition which eviscerates the Code’s protections and establishes a precedent bordering on “zoning on-demand” rather than pursuant to a well-considered CP must be rejected.

Respectfully submitted,


James Bacon

1/28/15

Holly Cohen
[REDACTED]
Brewster, NY 10509

January 27, 2015

Supervisor Tony Hay, Board Members
Southeast Town Hall
1360 Route 22
Brewster, New York 10509

Dear Mr. Hay and Town Board members:

After receiving at least 4 or 5 large mailers from the Crossroads 312 developer extolling the project, I went to both their website and the town's and read through almost all of the literature submitted to the Town under existing laws.

On Thursday, January 22, I attended the Town Board meeting regarding the proposed Crossroads 312 project. I came to the meeting with no pre-determined opinions about the project. I listened to all the speakers and came away from the evening with the following thoughts/concerns:

- the town has a master zoning plan which was developed over a long period of time and with much work and input by concerned and involved residents.
- the existing master zoning plan does not allow for a development of the scale proposed at the location.
- in order to approve the proposed development the location has to be rezoned AND several other concessions by the town such as special use permits would have to be made.
- I don't agree with making an exception of this magnitude to a well-conceived of and developed land use plan; it sets a bad example for any future requests for changes.
- One resident - a lawyer - stated that it could open up the town for a future lawsuit if you agree to rezone for this developer & then refused to do it for another. This is a huge concern.
- The proposal for rezoning also requests that the Town Board be given Site Plan approval authority- i.e. have full control over the entire process; the Zoning Board and Planning Board would not have their usual roles in the decision making.....I think this is a mistake, because both of those Boards have residents on them that are concerned for the Town and have a clear understanding of the processes involved in zoning/buildings to be put up. This would stifle other good opinions/interests & set another bad example by giving the Town Board power that by rights and custom belongs to other Town Boards.
- I agree that it would be more convenient for local residents to have a wider choice of retail stores in the town & it would be nice to have a hotel.....however:
 - there are many current retail locations that are vacant;
 - the traffic in the area in question is bad now & would only be worse, even with the proposed new traffic lights;
 - there is no certainty that the 4 proposed new lights would be approved by DOT;

T

there is no provision for widening of 312, or proposed improvements from Route 22 to I-84 or from I-84 to Route 6.

- The proposed tax income (property tax) to the Town of Southeast is estimated to be approx. \$155,000- that's miniscule. The estimated school tax is about \$1,400,000 which amounts to 1% of the current school tax burden. All other income would go to Putnam County, not Southeast. Estimated sales tax revenue of apx. \$3 million would also go to the County, not Southeast; and we don't get any of that. And – who did these estimates and what actuals are they based on?

- I checked personally with the Town Assessor and current retail assessments which would be a comparable size to what is being proposed are ballpark \$40,000 in taxes. So \$155,000 - \$40,000 means someone is estimating that the hotel would be assessed to bring in taxes of \$115,000. How realistic is that? unknown. Again- who did this estimate and what actuals is it based on?

- The estimated jobs: 130 or so construction (temporary). No guarantees that any of these jobs would be filled by Southeast residents – topic was never mentioned.

- The estimated jobs after the project is built: No mention of any guarantees that any of these jobs would be filled by Southeast residents. Many of the jobs would be minimum wage. Considering the location of the project right off I-84, potential workers could easily get to the site from Peekskill, Danbury, etc.

- One resident mentioned that the hotel plans are for rooms only; no conference center, no ballroom/event type rooms, no swimming pool, no workout room, no restaurant in the hotel; .i.e., nothing for Southeast residents; just rooms for transients or visitors. Again, nice to have a modern hotel in our area, but what real advantage to Southeast?

As I mentioned before, I must have received 4 or 5 glossy printed flyers in the mail from the Crossroads Developer folks in the last 2 weeks; all "estimated" good hyped but nothing about any potential problems. They are pushing hard for this so there must be a lot of "estimated" profit in it for the developer; whether that translates into potential good for Southeast residents is uncertain.

My conclusion after all this: No zoning change or special use permits should be approved. If the developer wants to build a hotel, that use is allowed at a 3 story maximum, but no large retail development is allowed or should be, under current zoning. If he wants to build some retail, that use is allowed at an existing maximum size under current zoning. Please vote NO on changing the zoning code.

Very truly yours,



Michele Stancati

From: [REDACTED]
Sent: Tuesday, January 27, 2015 2:18 PM
To: townboard@southeast-ny.gov
Subject: CROSSROADS PROJECT..PLEASE VOTE NO!

Dear Sir or Madam,

Please vote NO on the zoning change for the development of Crossroads 312. I live in the town of Southeast and also own a business in the town. This area needs another large shopping area like I need a hole in the head. There are already numerous retail store spaces available that have been empty for many months all over the area. Take Lakeview Plaza as an example. There are many stores that have been vacant and can't be filled. In Carmel...right down the street from the proposed development...across the street from Hannafords plaza, nothing but vacant stores!

If the area needed the retail space these vacancies would be filled. It's not like the area is booming and people need more places to shop. I know, I own a retail store in Brewster and they are not breaking down the door to get in... neither in my store nor any other store in the area.

Plus, this development will only congest our already congested roads. Take a ride up 22 from 684 during rush hour. This is not why myself or many of my neighbors moved to this area. We didn't move here to be inundated with shopping centers. We moved to this area and are paying ridiculously high taxes to be away from these shopping centers.

And, speaking of taxes, why didn't our taxes go down (as was promised) when the Home Depot, Kohls, etc. development was built? Again, more lies from our local government. Please, don't let them lie to us again! PLEASE VOTE NO ON CHANGING THE ZONING FOR THE CROSSROADS DEVELOPMENT. We don't want it and we don't need it! PLEASE VOTE AN EMPHATIC "NO"!

Sincerely concerned,

Michael D. Roviello

[REDACTED]
Brewster, NY 10509
[REDACTED]

Michele Stancati

From: Janine Alberghini [REDACTED]
Sent: Tuesday, January 27, 2015 2:04 PM
To: townboard@southeast-ny.gov
Subject: Crossroads 312

I am writing to implore the Southeast Town Board to vote NO to the zoning changes being sought for this project.

The Town has purposeful zoning restrictions in place for the benefit of the Town and all of its residents. This developer is asking several special permits. He needs them because he wants to do things that are NOT allowed.

I hope the entire Town Board will vote to do what is best for the Town, not the developer. Instead of bending and changing the rules, MAKE the developer follow the rules. That is the right thing to do.

Thanks,
Janine Alberghini

Michele Stancati

From: Mueck, Alex [REDACTED]
Sent: Monday, January 26, 2015 3:32 PM
To: townboard@southeast-ny.gov
Subject: no to crossroads 312!!!!!!

I was unable to attend the last meeting, but want to once again voice my support against the 312 crossroads.

I have worked on wall street for almost 25 years and am a Director at a fairly large firm. I am very much all about jobs. This deal is what investment banks would call a lemon. The hotel capacity is a pipe dream, as are much of the numbers. Did anyone really crunch these numbers or did campaign contributions over ride common sense?

Once the developer sees he is not getting the revenue, there will be a reassessment, and those numbers cited will dry up. Are the proponents of this willing to make the developer sign an agreement that he cannot reassess, once these pie in the sky numbers are not met?

If this plan was to bring in a high tech firm, a bio tech firm, or something along the lines of *real* high paying quality jobs, I would deal with the distraction, and light pollution (I have a telescope that I use a lot), but now my Tonetta Lake view is further compromised.

I had no idea when I left Long Island to move here that the goal was to turn Brewster into the economic arm of Putnam County. Looks like I will move, as I did not leave Long Island for this. I think Brewster is making a terrible mistake. Please see Riverhead Long Island. The place is a dump, property values at the bottom of the region. They got the stores, they got the industry, and in the end, they got a raw deal. Check out how much better the neighboring towns are doing in comparison.

Same thing with North Shore vs South shore Long Island. Just like the wealthy north shore towns, the wealthy towns up by us like Kent, Katonah, North Salem, WOULD never agree to this deal. They would never sell out their quality of life for a hotel and a store. They would want the store in some other town they could drive to
.....

It is a shame that our politicians will sell out their town for this project.

Please follow the attached hyperlink to an important disclosure relating to the Private Banking USA business of Credit Suisse Securities (USA) LLC
http://www.credit-suisse.com/legal/en/pb/pb_usa_email.jsp

Important Disclosures
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Michele Stancati

From: Tony Hay [tonyhayusmc@gmail.com]
Sent: Tuesday, January 27, 2015 2:49 PM
To: [REDACTED]
Cc: Bob Cullen; Chris DuBois; Edwin Alvarez; Liz Hudak; Lynne Eckardt; Michele Stancati; Will Stephens
Subject: Fwd: Letter regarding the Crossroads 312 project

Dear Mr. Jogi,

I have forwarded you letter to the Town Board. Thank you. Tony Hay

----- Forwarded message -----

From: Piibe Jogi <[REDACTED]>
Date: Tue, Jan 27, 2015 at 1:51 PM
Subject: Letter regarding the Crossroads 312 project
To: Thay@southeast-ny.gov

Dear Supervisor Tony Hay,

We are writing to you, as a member of the Town Board, to express our very strong opposition to the Crossroads 312 project and our very strong support for the current zoning code. Our support of the current law and our opposition to this hotel and shops project are of course connected, but they are also quite independent. The Crossroads 312 project really should be rejected on its own terms, quite apart from what our law presently requires. And the law in place is one we should be very reticent to set aside, quite apart from the particular risks and losses to our quality of life that Crossroads 312 would bring.

We will take up first the merits of the project itself, assuming the law as it stands was actually neutral with respect to its going forward.

This project is of very dubious merit, and of very considerable risk. The hotel in question is by the developer's own account not one that would compete, in terms of services, with the various hotels that are five to ten minutes further east on Route 84 in Danbury. Some at the Town Board meeting of January 22nd spoke of how "we have no hotel in Putnam" and "we need a hotel in Putnam" but we must remember, this is not a protected economy, and whatever is offered "in Putnam" better be able to compete with the very large, very well equipped counterpart hotels that stalk, quite comfortably, quite nearby, just across this border we share with Danbury, a border of no interest at all to any consumer, a border that would be cheerfully denied in any internet search by any potential customer looking to stay "in Putnam." It seems absurd to be smugly confident that such a project would be economically successful. It might be – but it is hardly obvious, hardly a sure thing, that it will be. How could it be? Superior hotels are very, very nearby, and, in virtue of their size, and being part of chains, will almost certainly be able to offer rooms at comparable or even lower prices. This set of facts – undeniable by anyone – is not a recipe for success. The possibility that this hotel could fail is not to be taken lightly.

A similar point is to be made about the attending stores. We live in an age where many, many retailers experience terrible pressure as a result of internet sales; many cannot compete with the franchises that dominate our present economy. Evidence of the risky nature of retail is everywhere – this is not an abstract point, but illustrated in the empty storefronts one persistently sees in the malls on Route 6 in Carmel, in the food giant A & P there having gone out of business, in the occasional, but persistent, vacancy in Brewster Highlands. The

stores that are contemplated for the Crossroads 312 project must compete with those already established in Danbury. Many spoke of the “inconvenience” of driving to Danbury, but it is very unlikely, such talk notwithstanding, that residents here will pay higher prices, and for a smaller selection of goods, than what awaits them a few minutes away. And it is not enough that the residents of Southeast, or some of them at least, presently swear fidelity to the idea of “shopping Putnam.” We are not, in saying these things, expressing hostility to development. To the contrary – we are urging the Board to show the appropriate respect for the unforgiving nature of the free market, which does not make fantasies come true, but only those projects that are, in fact economically viable. There is in fact no reason in the world to think this plan is economically assured, economically likely to succeed.

And if it does fail, what a true catastrophe this will be for us all. The riskiness of the venture should, we would think, be enough to ask for a different plan, to uphold the present constraints.

And then there are the attendant consequences, the terrible burden this will place on traffic and the roads nearby. Many have spoken about these considerations, and we will not belabor them here. To us, these traffic issues too, on their own, are decisive. Route 312 is a simple, two lane road. A mere widening of the road at the crossroads itself cannot alter that, obviously, and the consequences for traffic overall on Route 312 will be awful. This is not speculation. The developer himself has conceded there will be substantial delays, that there will be real, new difficulties for residents who must use Route 312. Should this project go ahead, many of us will sit, idling, in traffic for long periods of time in our daily life, in our own home community – and what exactly is it that is worth all this loss?

Of course, there is always the promise of some money in return. It is very easy, certainly, to promise such bounty in the future. Even if the so called tax benefits were as the developer represents them, to us, the risks and the losses attending this project are far greater, and so would not justify going forward with this project. But let us look at this “tax relief” claim a bit more closely too. As so many have pointed out, such tax consequences are in the first place, largely to the county, not to the town, and second – to our mind, far more importantly – must be weighed against all the so far unacknowledged additional services that this project will require. As we write this letter, we all await a blizzard. Are “the tax consequences” as great, or greater, than the extra snow plow service and extra manpower we would have to expend to keep this anticipated eight hundred car parking lot and access roads clear after a storm? No matter what the winter brings or how many times we have significant snow fall? We must set aside this elusive, and possibly non-existent, financial benefit and just ask: is this project a good thing, something we would be happy to have, even if our tax bill stayed more or less the same? That is the right question, given that realistically, this project will not make any resident significantly better off financially, certainly. And the answer to that question is we think clear: no, it is not, not even under optimistic assumptions. Should these assumptions prove wrong – and to us, the risk that they might, that this project could simply fail, is quite a genuine one – then the mistake of going forward with this project will haunt us all forever. Such language might seem dramatic, we know, but, the truth of it is, many towns presently do in fact struggle to overcome the blight of an abandoned hotel or shuttered mall. This is no small matter, this is not a negligible risk; the project here faces many serious economic competitive obstacles that even a casual inspection reveals. We urge the Board not to take this risk, for a serious risk it truly is.

Let us now turn to the other side of the matter, support for the current law. Clearly this current “rural commercial” zoning plan shows exactly the right sort of balance, the right sort of consideration for development, balanced with concern for quality of life (and, in addition, it would seem, concern as well for not taking excessive developmental risks). It is the result of exactly the sort of collaborative, reflective process that showcases small government at its best – we mean this most sincerely. The sensitivity to what Route 312 can bear, the sensitivity to what sort of development is consistent with the general atmosphere here in Southeast, and at the same time, the designation of corridors for development, the careful enumeration of what can and cannot be built – this plan, which has served Southeast well for so long – what possible justification can there be to overturn it, to set it aside? Who are these developers to ask that the product of democratic process, in

conjunction with the appropriate experts, be set aside? It is quite amazing, almost arrogant – and for a dubious hotel and a mere more of the same mall? When a project meets a plan that would deny it, one rightly asks, which then must give way? That is exactly what you must decide. In this case, clearly it is the project that should be revised, not the zoning plan! The project is so flawed that even if the plan did not forbid it, we would quite rightly have strong reservations. The plan is so reasonable and so much the product of care, we would be hesitant to overturn it even if the project in question were better motivated. When the flaws of the project are combined with the merits of the plan, Members of the Board, please, you must reject this awful proposal.

Yours

Steven Ross

Professor of Philosophy, Hunter College and the Graduate Center CUNY

[REDACTED] Brewster, NY 10509

[REDACTED]

Piibe Jogi, Esq.

[REDACTED] Brewster, NY 10509

[REDACTED]

Tony Hay

Supervisor, Town of Southeast

1360 Route 22, Brewster, NY 10509

(845) 279-5345 (O)

(845) 278-2453 (F)

tonyhayusmc@gmail.com

thay@southeast-ny.gov

Sent from my iPhone

Begin forwarded message:

From: "chiaro" [REDACTED]
Date: January 25, 2015 at 10:09:27 AM EST
To: "townhall" <townboard@southeast-ny.gov>
Subject: crossroads 312

We ask that you do not change the zoning for the crossroads project. We are particular worried about the negative effect of more traffic on the school children and special education children taking longer to get to school and home. Also, because of the added traffic, it would be very difficult for the volunteer fire department to get to their fire department by traffic tie ups which would be daily.

There are too many valid reasons why this should not be changed.

Thank you.

Chris Chiaro

Resident of Town of Southeast for 36 years

--

Tony Hay

Supervisor, Town of Southeast

1360 Route 22, Brewster, NY 10509

(845) 279-5345 (O)

(845) 278-2453 (F)

tonyhayusmc@gmail.com

thay@southeast-ny.gov

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Michele Stancati

From: [REDACTED]
Sent: Monday, January 26, 2015 6:14 PM
To: townboard@southeast-ny.gov
Subject: crossroads 312

Good evening,

My husband and I attended the town hall meeting on January 22 and are both voting "No" to the zoning change.

We have lived at [REDACTED] for 27 years and would like the rural character of Southeast to be preserved as much as possible.

Thank you,
Margaret and Robert Vazquez

[REDACTED]
North Salem, NY 10560
Feb. 2, 2015

Southeast Town Board
Southeast Town Hall
1360 Rt. 22
Brewster, NY 10509

Dear Supervisor Hay and Members of the Town Board:

This letter concerns the proposed Crossroads 312 zoning change. I'll state upfront that I very much hope the board will maintain RC zoning for this project. I also want to clarify that while I use my professional address for correspondence, I am a registered voter of Southeast.

At the public hearing on Jan. 22, I was disappointed that supporters of HC-1 rezoning disingenuously presented the applicant's petition as an all-or-nothing proposition. Frequently, the public heard some version of "I support Crossroads 312 because it will give us a hotel and shopping and jobs!" If these folks had read the FEIS, they would have known that Crossroads 312 can include a hotel, retail, and jobs with or without a zoning change. There's simply no compelling reason to discard the RC zoning that the town deliberately wrote into the Comprehensive Plan to prevent overdevelopment and replace it with HC-1.

Really, this is an issue of scale. As the board knows, the RC code, with a special permit, allows for a modest hotel and small retail, appropriately sized for a town of 18,400 people. The HC-1 code, on the other hand, would allow large-scale retail with strip malls or even a big-box store but wouldn't even permit a hotel unless the code is further modified. So, actually, the only possible arguments in favor of rezoning would be that Southeast needs more strip malls and more strip mall jobs. Let's consider those arguments.

Does Southeast need more strip malls?

Several speakers at the public hearing complained that there isn't enough shopping in Southeast. However, they mostly failed to give any concrete examples of products they couldn't find.

Southeast has multiple grocery and wholesale food stores, convenience stores, discount stores, drug stores, department stores (with clothing, accessories, and home goods and furnishings), auto dealers, hardware stores, liquor stores, pet and pet supply stores, jewelry stores, an arts and crafts store, a music store, a china shop, and even a New Age gift shop. We have a full range of services—contractors of all sorts, autobody shops, locksmiths, dry cleaners, beauty salons, banks, florists, shipping centers, wireless providers, a printer, and a tech support company. I personally haven't left Southeast to make a purchase in literally months, and when I did, I still "shopped Putnam" at a health food store in Mahopac and an electronics store in Carmel.

This is not an underdeveloped town. Again, what exactly do we lack that Crossroads 312 under HC-1 zoning will give us?

The only concrete examples I heard were from nonresident Vern Nickerson, who said he had to

go to Connecticut to find a TV and Kindle, and Jim Hogan, brother of the developer's attorney, who said he also had to go to Connecticut for wholesale home goods. While RadioShack in Carmel actually does sell Kindles, electronics stores are on the decline, with giants Circuit City and CompUSA forced out of business in Danbury. And I know of no one besides Mr. Hogan for whom Costco in Brookfield is a two-hour drive. (Does he go by horse and buggy?) Electronics stores and wholesale warehouses are few and far between precisely because the goods they sell are not regular, weekly purchases for most people. Are we really expected to believe that some shoppers are suffering so much from these occasional 20-minute trips that we should alleviate their "suffering" by massively inconveniencing the rest of the town?

Does Southeast need more strip mall jobs?

It's vital to the economic health of any town that salaries be commensurate with the cost of living. So let's look at the salaries of strip mall jobs and the cost of living here.

According to the Bureau of Labor Statistics, the median annual income of a retail worker in 2013 was \$21,140. In Southeast, the median household income as of 2012 was \$92,220, and the median cost of a single-family home was \$364,867. How can someone earning \$21,140 afford to live and raise a family in a town like Southeast? A common refrain at the public hearing was "Somebody needs those jobs!" Not somebody who wants to own a home in Southeast apparently.

Some speakers claimed that we need more low-wage jobs for young people, but only 5.9% of residents are between 18 and 24, the age group that traditionally seeks out entry-level and seasonal work. In contrast, according to the 2014 Comprehensive Plan (Table 3-6), 19% of jobs in Southeast are in retail. Combined with food industry and hospitality work, these usually low-wage, low-benefit, dead-end positions comprise 28% of jobs in Southeast. That is a staggering overrepresentation of low-wage work. In fact, only about 4% of Southeast citizens do such work, which is why the average employee over 25 is forced to commute 36 minutes into other counties like Westchester. If there are any college students or recent graduates who can't find retail or service work here in a market so skewed in their favor, maybe the fault is their own.

I won't even bother refuting the claim that Crossroads under HC-1 zoning will save every family \$860 in annual taxes. The applicant and his team refuted it themselves with their total silence when asked to account for that figure.

Clearly, none of the arguments for HC-1 rezoning makes sense, and mere statements of support for "a hotel," "jobs," or even "Crossroads" should not be confused with valid arguments for HC-1 rezoning. These are specious arguments, more often than not made by the few who stand to gain personally from rezoning at the expense of the rest of the town. The applicant, his son, and the daughter, brother, and employee of his attorney, all of whom were quite vocal, are entitled to support their own interests. But it's misleading to disguise those interests behind the pretense of benefit to the public at large.

Thankfully, the public is largely not fooled, and I'd like to remind the board that you were elected by the people of Southeast and are under no obligation to anyone but that electorate. You are not obligated to change the code just because the developer has requested it. Yes, the developer owns the property, but he and his investors purchased it knowing that it wasn't zoned for large-scale retail. You are not obligated to make amends for their poor business decision. You are not even obligated to change the code just because the state or county has requested it. This question is not

before the state or county legislature; town zoning codes are not their jurisdiction. So . . .

Is the town board representing the people of Southeast?

Councilwoman Hudak lamented that the board has only heard from "a fraction of who really lives in the town." She continued, saying, "We probably have heard from about a thousand people in our town, and there's a lot more people out there. So I'm hoping we'll hear other responses."

Well, at the public hearing, the people "who really live in this town," Southeast residents, overwhelmingly supported the RC code. I counted the number who spoke in favor of RC versus HC-1, eliminating residents of other towns like Carmel and Patterson, representatives of county organizations, legal team members on both sides, and three people who spoke about unrelated issues in the Village of Brewster. The numbers said it all—RC or even "no build": 20, HC-1: 7.

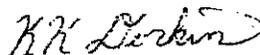
If the letters and calls the board has received display a pattern anything like what we saw at the public hearing, then this isn't a 50/50 split in opinion. The majority of Southeast residents, the ones who elected you, DO NOT want a Crossroads with more megastores.

Southeast Residents for Responsible Development has a petition with 235 signatures—20 more have signed since the public hearing—urging the board to maintain RC zoning. I'm including the petition with this letter. ALL signatures are from self-identified Southeast residents ONLY; we removed 74 signatures that were not from Southeast, many of them from Carmel. Are ALL the signatures on the developer's petition and ALL the auto form letters that his petition signers sent from Southeast residents ONLY?

While I agree that it would be better to hear from even more townspeople, American participation in government is at record lows, and that's all the more true at the local level. If the board has heard from 1,000 Southeast citizens, that number is equal to more than half the votes cast for any single town board candidate in the last election, so it's not inconsequential. And if the board genuinely wants to hear from more residents, I'd respectfully suggest a referendum.

Finally, I want to say that before I heard about Crossroads 312, I rarely attended town board meetings, and since I have, I've become deeply disillusioned. It's to the credit of Supervisor Hay and Councilwoman Eckardt that, for a long time, I had no idea where they stood on the issue of Crossroads because they were objective enough not to show any bias for or against the applicant. In contrast, it was apparent to me from the outset that Councilpersons Hudak, Cullen, and Alvarez, who signed off on this project at every step of the way without debating its merits or asking a single critical question, were intractably on the developer's side. Their readiness to throw Southeast, especially Brewster Hill, under the bus to serve special interests is very disheartening.

I doubt anyone will change his or her mind this late in the game, but I write these letters because I never stop hoping for the best in people to win out. At the public hearing, Harold Lepler lectured RC supporters to "have a little more understanding and a little more compassion for the other folks." Where is his compassion and understanding for *us*, those who are expected to sacrifice our quality of life so someone else can shop? Where is yours?



KK Dorkin
Southeast, NY

The following petition requests that the Southeast Town Board vote "no" to the proposed change in zoning for the Crossroads 312 project, located on Route 312 in the Town of Southeast, NY. We, the people of Southeast, believe the current zoning, Rural Commercial (RC), will maintain the character of our town and still provide economic opportunities for its residents.

A change in zoning from RC to Highway Commercial 1 (HC-1) would increase traffic, set a dangerous rezoning precedent, and forever change the visual character and quality of life in our town.

Name	City	State	Zip Code	Country	Signed On
Carmen Constantino	Brewster	New York	10509	United States	7/16/2012
Samantha Jacobs	Brewster	New York	10509	United States	7/17/2012
Nicole Santamarena	Brewster	New York	10509	United States	7/17/2012
Alex Mueck	Brewster	New York	10509	United States	7/17/2012
Elaine Gartner	Brewster	New York	10509	United States	7/17/2012
Anne Dominici	Brewster	New York	10509	United States	7/17/2012
Catherine Woodgate	Brewster	New York	10509	United States	7/17/2012
Michele Likens	Brewster	New York	10509	United States	7/17/2012
Annamarie de la Cruz	Brewster	New York	10509	United States	7/17/2012
Dirk Vandenberg	Brewster	New York	10509	United States	7/17/2012
Laura Catalano	Brewster	New York	10509	United States	7/18/2012
Sally Terlizzi	Brewster	New York	10509	United States	7/23/2012
Kim Papa	Brewster	New York	10509	United States	7/24/2012
Debra Keiser	Brewster	New York	10509	United States	7/24/2012
William Banks	Brewster	New York	10509	United States	7/24/2012
Albert Jacobs	Brewster	New York	10509	United States	8/6/2012
Eileen Byron	Brewster	New York	10509	United States	8/9/2012
Christine Tomasseti	Brewster	New York	10509	United States	8/9/2012
Beth Gusler	Brewster	New York	10509	United States	8/9/2012
Kelly Curtin	Brewster	New York	10509	United States	8/9/2012
Sharlene Sayegh	Brewster	New York	10509	United States	8/9/2012
Anthony Terlizzi	Brewster	New York	10509	United States	8/9/2012
Louise Groves	Brewster	New York	10509	United States	8/9/2012
Tom McCullough	Brewster	New York	10509	United States	8/9/2012
Richard Hargrave	Brewster	New York	10509	United States	8/10/2012
Nicole Gordon	Brewster	New York	10509	United States	8/10/2012
Christine Mattson	Brewster	New York	10509	United States	8/11/2012
Susan Weichert	Brewster	New York	10509	United States	8/11/2012
Gregory Russo	Brewster	New York	10509	United States	8/11/2012
Eileen Nieves	Brewster	New York	10509	United States	8/11/2012
Maggie Valeri	Brewster	New York	10509	United States	8/11/2012
Joan Gillman Smith	Brewster	New York	10509	United States	8/11/2012
Mary Maley	Brewster	New York	10509	United States	8/11/2012
Anthony Ballantoni	Brewster	New York	10509	United States	8/11/2012
Bernadette Brandon	Brewster	New York	10509	United States	8/12/2012
Donald LaMere	Brewster	New York	10509	United States	8/12/2012
Victoria LaMere	Brewster	New York	10509	United States	8/12/2012
Christina LaFace	Brewster	New York	10509	United States	8/13/2012
Marti Foster	Brewster	New York	10509-1101	United States	8/13/2012
Marian Reynolds	Brewster	New York	10509	United States	8/14/2012
Brooker Smith	Brewster	New York	10509	United States	8/16/2012
Barbara King	Brewster	New York	10509	United States	8/16/2012
Roger Mogan	Brewster	New York	10509	United States	8/17/2012
Maria Taliercio	Brewster	New York	10509	United States	8/17/2012
Blanche Quealy	Brewster	New York	10509	United States	8/17/2012
Marilyn Miller	Brewster	New York	10509	United States	8/18/2012
Robert Miller	Brewster	New York	10509	United States	8/18/2012
Barbra Newe	Brewster	New York	10509	United States	8/18/2012
Christopher Newe	Brewster	New York	10509	United States	8/18/2012
Annamarie De la Cruz	Brewster	New York	10509	United States	8/19/2012
Michael Langley	Brewster	New York	10509	United States	8/19/2012

Debbie Lauro-Conn	Brewster	New York	10509	United States	8/19/2012
Jennifer Farenholz	Brewster	New York	10509	United States	8/19/2012
Marek Farenholz	Brewster	New York	10509	United States	8/19/2012
Karin Scheele	brewster	New York	10509	United States	8/19/2012
Michael Counihan	Brewster	New York	10509	United States	8/19/2012
Linda Vogl	Brewster	New York	10509	United States	8/19/2012
Bruce Lenkel	Brewster	New York	10509	United States	8/19/2012
Christine Phillips	Brewster	New York	10509	United States	8/19/2012
Paul Zimmerman	Brewster	New York	10509	United States	8/20/2012
William McGuinness	Brewster	New York	10509	United States	8/20/2012
Beverly Weil	Brewster	New York	10509	United States	8/20/2012
Al Taylor	Brewster	New York	10509	United States	8/20/2012
Diana Snyder	Brewster	New York	10509	United States	8/20/2012
Sharon Bodenschatz	Brewster	New York	10509	United States	8/21/2012
Jessica Grutzner	Brewster	New York	10509	United States	8/21/2012
Anthony Guarna	Brewster	New York	10509	United States	8/21/2012
Paula Marie Bryan	Brewster	New York	10509	United States	8/26/2012
Alicia Maston	Brewster	New York	10509	United States	8/26/2012
Karry Durante	Brewster	New York	10509	United States	8/26/2012
Barbara Lattermer	Brewster	New York	10509	United States	8/26/2012
Patricia Monaco	Brewster	New York	10509	United States	8/27/2012
Janine Alberghini	Brewster	New York	10509	United States	9/1/2012
Karalyn Dorkin	Brewster	New York	10509	United States	9/2/2012
Christine Cataldo	Brewster	New York	10509	United States	9/4/2012
Michael Terlizzi	Brewster	New York	10509	United States	9/5/2012
Lisa Aurello	Brewster	New York	10509	United States	9/6/2012
Dennis Minder	Brewster	New York	10509	United States	9/6/2012
Carolyn Cullen	Brewster	New York	10509	United States	9/6/2012
Joseph Taormina	Brewster	New York	10509	United States	9/6/2012
M. Fitzgerald	Brewster	New York	10509	United States	9/6/2012
Janet Ward	Brewster	New York	10509	United States	9/7/2012
Michelle Sweene	Brewster	New York	10509	United States	9/7/2012
Mary Taormina	Brewster	New York	10509	United States	9/7/2012
Loretta Lebitsch	Brewster	New York	10509	United States	9/9/2012
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Irene Scheer	Brewster	New York	10509	United States	9/12/2012
Marion Kaplan	Brewster	New York	10509	United States	9/23/2012
Dan Rabinaw	Brewster	New York	10509	United States	9/26/2012
Irina Mikhaylova	Brewster	New York	10509	United States	10/4/2012
Christy Masterjoseph	Brewster	New York	10509	United States	10/9/2012
Maksim Chepel	Brewster	New York	10509	United States	#####
Tony Masterjoseph	Brewster	New York	10509	United States	#####
David Simington	Brewster	New York	10509	United States	2/6/2013
Vincent Caterina	Brewster	New York	10509	United States	2/6/2013
Jane Caterina	Brewster	New York	10509	United States	2/6/2013
Brian Chapman	Brewster	New York	10509	United States	2/6/2013
Michael Roviello	Brewster	New York	10509	United States	10/8/2013
Maureen Clarke	Brewster	New York	10509	United States	#####
Rita Acerno	Brewster	New York	10509	United States	#####
Bernadette Brandon	Brewster	New York	10509	United States	#####
Cathy Murphy	Brewster	New York	10509	United States	#####
Peter Milano	Brewster	New York	10509	United States	#####

Laurie DeLuca	Brewster	New York	10509	United States	#####
Matthew Frohman	Brewster	New York	10509	United States	#####
Helen Dorkin	Brewster	New York	10509	United States	#####
Bernadette Laber	Brewster	New York	10509	United States	#####
Patricia Schwerkolt	Brewster	New York	10509	United States	#####
Janet Colombo	Brewster	New York	10509	United States	#####
Joy McCormick	Brewster	New York	10509	United States	#####
Beth Briggs	Brewster	New York	10509	United States	#####
James Morris	Brewster	New York	10509	United States	#####
Sarah Franchino	Brewster	New York	10509	United States	#####
Alice Brandon	Brewster	New York	10509	United States	#####
Carl Trovato	Brewster	New York	10509	United States	#####
Jodi McKee	Brewster	New York	10509	United States	#####
Jim McKee	Brewster	New York	10509	United States	#####
John Klosowski	Brewster	New York	10509	United States	#####
Annette Cegelski	Brewster	New York	10509	United States	#####
Richard Allen	Brewster	New York	10509	United States	#####
Lisa Larca Grosz	Brewster	New York	10509	United States	11/6/2013
Peter Benfield	Brewster	New York	10509	United States	11/7/2013
James O'Reilly	Brewster	New York	10509	United States	11/7/2013
Carl Tramontana	Brewster	New York	10509	United States	11/7/2013
Rebecca Rabinowitz	Brewster	New York	10509	United States	#####
Ben Bisogno	Brewster	New York	10509	United States	#####
Melinda Montanaro	Brewster	New York	10509	United States	#####
Holly Cohen	Brewster	New York	10509	United States	#####
David Bisantz	Brewster	New York	10509	United States	#####
Naomi Lebowhl	Brewster	New York	10509	United States	#####
Donna McAlpin	Brewster	New York	10509	United States	#####
Karl Lyon	Brewster	New York	10509	United States	#####
Susan Schneider	Brewster	New York	10509	United States	#####
Emaldo Cruz	Brewster	New York	10509	United States	#####
Michael Rogers	Brewster	New York	10509	United States	#####
Lisa Aurello	Brewster	New York	10509	United States	#####
Melissa Mesisco	Brewster	New York	10509	United States	#####
Edward Ruggiero	Brewster	New York	10509	United States	#####
Warren Mikulka	Brewster	New York	10509	United States	#####
Louise Groves	Brewster	New York	10509	United States	#####
Joseph Langone	Brewster	New York	10509	United States	#####
Carol Birkenstock	Brewster	New York	10509	United States	#####
John Blaser	Brewster	New York	10509	United States	#####
Elizabeth Kusterer	Brewster	New York	10509	United States	#####
Vincent Santucci	Brewster	New York	10509	United States	#####
Steve Saperstein	Brewster	New York	10509-5220	United States	#####
Teresa Strano	Brewster	New York	10509	United States	#####
Giselle Langone	Brewster	New York	10509	United States	#####
Peggy Brady	Brewster	New York	10509	United States	#####
James Virus	Brewster	New York	10509	United States	#####
Robert Cavalluzzo	Brewster	New York	10509	United States	#####
Gretchen Skidmore	Brewster	New York	10509	United States	#####
Christie Garecht	Brewster	New York	10509	United States	#####
Donald McAlpin	Brewster	New York	10509	United States	#####
Diana Snyder	Brewster	New York	10509	United States	#####

George Marx	Brewster	New York	10509	United States	#####
Catherine Marx	Brewster	New York	10509	United States	#####
Michael Bieglecki	Brewster	New York	10509	United States	#####
Brian Parise	Brewster	New York	10509	United States	#####
Mario Zeoli	Brewster	New York	10509	United States	#####
Regina Hurlbut	Brewster	New York	10509	United States	#####
Jenifer Maloney	Brewster	New York	10509	United States	#####
Daniel Mrozinski	Brewster	New York	10509	United States	#####
Maria Taiercio	Brewster	New York	10509	United States	11/1/2014
Barry Antokoletz	Brewster	New York	10509	United States	11/1/2014
Paul Wasserman	Brewster	New York	10509	United States	11/2/2014
Katarzyna Owen	Brewster	New York	10509	United States	11/5/2014
Richard Owen	Brewster	New York	10509	United States	11/5/2014
Jay Cross	Brewster	New York	10509	United States	11/6/2014
Jack Gambino	Brewster	New York	10509	United States	11/9/2014
Paula Borbee	Brewster	New York	10509	United States	#####
Susan Burns	Brewster	New York	10509	United States	#####
Margaret Papp	Brewster	New York	10409	United States	#####
Bob Chiaro	brewster	New York	10509	United States	#####
Dean Abatemarco	Brewster	New York	10509	United States	#####
Joseph Dorkin	Brewster	New York	10509	United States	#####
Richard Feuerman	Brewster	New York	10509	United States	#####
Keith Napolitano	Brewster	New York	10509	United States	#####
Susan Maloney	Brewster	New York	10509	United States	#####
Julie Kuklevsky	Brewster	New York	10509	United States	#####
Silvana Napolitano	Brewster	New York	10509	United States	#####
Paul Tavolilla	Brewster	New York	10509	United States	#####
Wendy Ouellette	Brewster	New York	10509	United States	#####
Patrick Williams	Brewster	New York	10509	United States	#####
Lawrence Rubin	Brewster	New York	10509	United States	1/7/2015
Stephen Herndon	Brewster	New York	10509	United States	1/9/2015
Anthony Zito	Brewster	New York	10509	United States	1/9/2015
Susan Berman	Brewster	New York	10509	United States	1/9/2015
Coleen O'Reilly	Brewster	New York	10509	United States	1/9/2015
Alexander Debartolo	Brewster	New York	10509	United States	1/9/2015
Lori Pesick-Pierro	Carmel	New York	10512	United States	1/9/2015
Diane McCarthy	Brewster	New York	10509	United States	1/9/2015
Haley Newe	Brewster	New York	10509	United States	1/10/2015
Alyssa DOTtavo	Brewster	New York	10509	United States	1/12/2015
Raymond Pozzoboni	Brewster	New York	10509	United States	1/12/2015
U.A. Reinhardt	Brewster	New York	10509	United States	1/13/2015
John Kozma	Brewster	New York	10509	United States	1/14/2015
Daniel Whalen	Brewster	New York	10509	United States	1/14/2015
June Riley	Brewster	New York	10509	United States	1/14/2015
Gina Krause	Brewster	New York	10509	United States	1/14/2015
Edmund Rose	Brewster	New York	10509	United States	1/15/2015
Melissa Viar	Brewster	New York	10509	United States	1/15/2015
Laura Speed	Brewster	New York	10509	United States	1/15/2015
Jonathan Viar	Brewster	New York	10509	United States	1/15/2015
Catherine Ermann	Brewster	New York	10509	United States	1/15/2015
Dave Stano	Brewster	New York	10509	United States	1/16/2015
Eric Yoskowitz	Brewster	New York	10509	United States	1/18/2015

Scott Jeffrey	Brewster	New York	10509	United States	1/18/2015
Carolyn Miceli	Brewster	New York	10509	United States	1/18/2015
Tad Koziol	Brewster	New York	10509	United States	1/18/2015
Daniel Barker	Brewster	New York	10509	United States	1/19/2015
Jodi Giroux	Brewster	New York	10509	United States	1/19/2015
David Henningsen	Patterson	New York	12563	United States	1/20/2015
Bob Dumont	Brewster	New York	10509	United States	1/20/2015
Patricia O'Gorman	Brewster	New York	10509	United States	1/20/2015
Lisa Charbonneau	Brewster	New York	10509-2331	United States	1/21/2015
Daniel Mullan	Brewster	New York	10509	United States	1/21/2015
Cathy Quaranta	Brewster	New York	10509	United States	1/22/2015
Vivien Landau	Brewster	New York	10509	United States	1/22/2015
Adam Handler	Brewster	New York	10509	United States	1/22/2015
Robert Loughran	Brewster	New York	10509	United States	1/22/2015
Sean Diggin	Brewster	New York	10509	United States	1/24/2015
Bill Matturo	Brewster	New York	10509	United States	1/24/2015
James Sangiamo	Brewster	New York	10509	United States	1/25/2015
Jessica Frost	Brewster	New York	10509	United States	1/25/2015
Karl Lebitsch	Brewster	New York	10509	United States	1/25/2015
Steven Ross	Brewster	New York	10509	United States	1/25/2015
Briana Rende	Brewster	New York	10509	United States	1/25/2015
Piibe Jogi	Brewster	New York	10509	United States	1/25/2015
Jeanne Henry	Brewster	New York	10509	United States	1/25/2015
Arlene Rau	Brewster	New York	10509	United States	1/26/2015
Chris Krok	Brewster	New York	10509	United States	1/27/2015
Raymond Rau	Brewster	New York	10509	United States	1/28/2015
Robert Lund	Brewster	New York	10509	United States	1/28/2015
Linda Lund	Brewster	New York	10509	United States	1/28/2015

Alexander J. Gabriel

[REDACTED]
Brewster, NY 10509
[REDACTED]

2/3/15

Town of Southeast Zoning/Planning Board
Rte 22
Brewster, NY 10509

Re: Crossroads 312 Project

January 29, 2015

To Whom It May Concern:

I am writing this letter in response to the Crossroads 312 project and the town hall hearing which I was unable to attend.

I have come up with series of questions that I feel need to be addressed in order to make any decision on a vote to either approve or not approve the forward movement of this project.

To start with my concerns I refer you to the traffic impact of Rt. 312. With an estimated 800+ cars added, primarily during peak hours on an already too busy roadway, I foresee a lot of safety issues.

- How do we handle the intersection of Rt. 312 and Minor Rd? It is already one of the more dangerous intersections in the entire town. Minor Rd. is already used as a traffic bypass route by too many with no speed enforcement. The people who live on this rd. are heavily impacted by the existing high flow of traffic.
- How will this increase the dangers to those families, and how will it be rectified?
- With the added traffic, how will this affect the schools?
- How does it affect the safety of our children when the schools emergency evacuation plan puts them on Rt. 312 towards Carmel right into this increasing traffic pattern?

Some other concerns would be more of a sensibility issue for me. Being a resident of Putnam County for most of my life between Patterson & Brewster I do see a need for jobs and growth, but I have trouble seeing a need for a large Hotel.

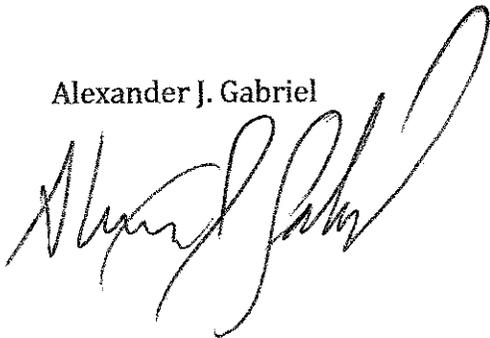
- So why is this necessary?
- Why do we need more retail storefront when there is still so many empty businesses in the area? Why don't we fill them first?
- How much actual tax relief is going to be passed on to the residents? That is to say, how much savings per household?

There are more questions I have, that to me seem maybe a little trivial, but the biggest question I have is why did we as a town specifically zone the area so that a project like this could not be undertaken and then a few years later actually bring it up as a consideration?

In conclusion I would like to say that I do not like nor see a need for this development. But, whether I like or see a need for this project is not relevant, so long as it whatever is done sticks to the current zoning and codes that are set in place by the town and current traffic safety issues are mitigated, not exacerbated.

Yours truly,

Alexander J. Gabriel

A handwritten signature in black ink, appearing to read "Alexander J. Gabriel". The signature is written in a cursive style with a large, looping flourish at the end.

01/4/15
BC

[Redacted]

Brewster, NY 10509

January 29, 2015

Southeast Town Board

1360 Route 22

Brewster, NY 10509

Subject: The zoning change requested for Crossroads 312

To whom it may Concern,

My name is John Kapernick. I have lived in Southeast since 1979, [Redacted]
[Redacted]

I want to thank the Board for holding the public meeting on the Crossroads 312 zoning change request(s). It was very informative to hear the arguments for and against. It is clear to me after attending and listening that the support for and benefits to the Town of the Crossroads development claimed in the promotional material mailed to residents are wildly overstated.

I am writing this letter in support of NOT granting the requested variance(s) to the developer of Crossroads 312.

My concern with the proposed change is strategic in nature, that it will change things in Southeast in a way that cannot be undone. If the change is granted, there will be no way for the Town to ever refuse such a request in the future. And, there will be such requests beginning almost immediately because that is what developers do, push the envelope of what is allowed in the search for profitability. I expect even existing developments will request similar zoning changes, to be able to enhance the value of the development. This will certainly happen along I-84, Route 22, and will probably be pushed onto Route 312.

Southeast is rural today. It is what potential residents look for when they are looking for property. It is what real estate agents sell to prospective residents. It is what existing residents sought when they came here. No one came here looking for Long Island. The members of the Town Board owe it to residents to do everything in their power to preserve this rural nature of the town, despite developers attempting to chip away at it every day. It is no doubt a difficult job, and it is an awesome responsibility. But, each of you sought it out. I request each of you to vote against these requested changes and variances.

Sincerely,


John Kapernick

1/29/14

1/24/15

Dear Supervisor Hay,

I am writing to request that you and the Board vote "no" on changing the zoning code for the Crossroads project at 312. If there is truly is a need for this kind of business in the area (which is already debatable), then it must be created in a more thoughtful, resourceful and aesthetic manner. We already have many vacant buildings in Southeast. Let's work to make them more attractive so they will become filled. Rts. 6, 22, and 312 are already overused, crowded, and dangerous. The open spaces we have are already faltering and declining from the stresses put upon them. Instead, what Southeast needs is a greater united effort to keep it charming, unique, and salubrious. Again, please vote "no" to Crossroads at 312.

Thank you,

Angela Cuomo

Angela Cuomo

[REDACTED]

Brewster, NY 10509

[REDACTED]

T

2/2/15

[Redacted]
Brewster, NY 10509
Feb. 2, 2015

Supervisor Hay and Southeast Town Board
Southeast Town Hall
1360 Rt. 22
Brewster, NY 10509

Dear Supervisor Hay and Town Board Members:

First, I want to thank Supervisor Hay for taking the time to speak with me recently and address my concerns about the Crossroads 312 project and, in particular, the zoning change that the developer is asking for. I appreciate the clarity and fair-minded leadership that both he and Councilwoman Eckardt have provided at town board meetings on the subject of Crossroads.

Second, although I have called, written, and spoken at town board meetings more than once regarding this matter, I want to state again that I support RC zoning for Crossroads 312 and do not support rezoning to HC-1.

I believe the oversized retail project that the developer wants to build will further ruin my views of Tonetta Lake and decrease the value of my home. I also believe it will eventually increase my taxes since the tax revenue contributed by Crossroads will not pay for its own upkeep. Because I live on a fixed income, when that happens I may be forced out of my home. Finally, I've already started noticing slower travel times when driving on Rt. 312, and I don't want to see it get worse. My husband and I are seniors, and I'm especially worried about how emergency vehicles will reach us in case of an accident or health crisis. The developer's FEIS admits that the roads that feed off of 312 will experience delays, and it's a safety hazard when emergency vehicles have to run a series of red lights, besides which it slows them down, wasting vital seconds.

I hope the town board will seriously consider my comments and the comments of other residents, particularly those who live close to 312 and will be directly affected by Crossroads. Please do the right thing and represent the majority of your constituents instead of catering to the special interests of the developer and his team.

Sincerely,

Helen Dorkin

Helen Dorkin

+

2/2/15

David A Buckner



Brewster NY 10509

February 2, 2015

Tony Hay, Supervisor
and Robert Cullen, Elizabeth Hudak,
Lynne Eckardt, and Edwin Alvarez, Council Members
c/o Supervisor Hay, USMC@gmail.com
1360 Route 22, Brewster NY 10509

RE: Crossroads 312 Development

Respected Supervisor Hay and Board Members:

As strongly opposed as I am to the Crossroads 312 development, I could find a small measure of peace if I knew that a real majority of my fellow townspeople actually supported this proposal, especially if their support were based on a truly informed position.

If a referendum is not permitted, but the Board has power to change zoning laws , could they not make some special change in order to accommodate a referendum, vote, or other gauge of public sentiment?

I thought that the idea that lowering or stabilizing taxes with sales tax income from this sort of development was a myth that had been exploded some time ago. I request the Board members to publically state their reasons for supporting or opposing this project, substantiating their positions with documentation more compelling than opinion. That would be transparency. It builds trust.

Within the structure of the town board, ought not members to support the wish of the majority of the public or are they free to vote according to their own discretion? If the latter is the case, how much more so are they obliged to explain themselves?

T

At the close of last week's public meeting, the developer's son addressed the room, seemingly in defense of minimum wage jobs, citing the example of his friend's success which was presumably brought about by witnessing his mother's diligent & faithful struggle working at minimum wage jobs.

Minimum wage jobs are better than no jobs; however, struggling through with a minimum wage job, or watching a parent do so, is no guarantee of success. Given the right character and fortuitous opportunity, success may or may not follow. I don't think low-paying jobs are necessary to provide opportunities for character development for people who in reality need to earn a fair living wage to support themselves and their families.

I do hope and would certainly appreciate if the Board members might take the time to read this letter and respond to me, however briefly. Thank you.

Yours,

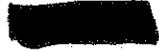
A handwritten signature in cursive script that reads "David Buckner". The signature is written in black ink and is positioned above the printed name.

David Buckner

To the Southeast Town Board:

January 31, 2015

Southeast Town Hall



Brewster/Southeast, NY 10509

Dear Members of the Board:

I am writing to you to express my displeasure, with the content of, a meeting I attended on Thursday January 22, 2015 at the Town Hall. I simply cannot believe anyone would fathom any changes to our existing building code for this purpose. Although it is not nearly perfect you folks are moving in the wrong direction (initial vote 3-2), in my opinion. Many of us are here because we choose to NOT live, and build our families, in city areas. Home is all about quality of life, and this proposal diminishes that quality.

Some of the numbers that were thrown around are astounding. Eight Hundred more cars should be anticipated? Our town will turn into a near constant state of gridlock. Surrounding streets can anticipate quick moving "cut through" traffic. First responders will never be able to reach their destinations promptly. One hundred and forty thousand in tax savings is not near what I was expecting to hear from such a sacrifice. How much is that per household?

I don't know where you folks live but for many years now I feel like our town is noisier, dirtier, and much like the above cities we choose to move away from. Below are some the outstanding issues/possible solutions, I have observed. They are as follows:

- **Kelties Bum Steer**, is the suit against Town settled? No progress? Wasn't there a million dollar suit against the town that was settled out of court for two hundred thousand dollars? Did we settle without a caveat that they must finish the project?? Seems as if that is the geographic area you are looking???
- By the way, we have **four hotels/motels in Putnam County**; Heidi's. Henry Van across from the old Benvenutis, the Bellvidere across from Mobil on route 22 and a small motel on route 6 near the 6 and 6N intersection in Mahopac.
- **Filtration facility** that was installed out of the public eye to protect Lake Tonetta. Highway used back roads up Sodom to Brewster Hill Road and then all the way down Shore Drive. Should have used county roads (N. Brewster Rd.) when possible. They started at 7am per union contract with 18 wheelers going down those very small and narrow streets. People have no other option than to park on the street.
- **Mysterious ball parks on Zimmer Road**, "Southeast Recreation" on Independence Way across from Kohl's plaza.
- Possible **Dunkin Doughnuts** facility in the intersection of 22 and 312

- Currently Independence Way and 312 has **confusing signaling issues**. Anticipate this getting far worse. What about queuing to make turns?
- **Two working fire stations** now available. Approaching the noises/sounds of Queens, NY. Thank God for volunteers but how can we get them to the site of the emergency?
- Consistent **"trolling"** of back up ambulances in area.
- **Railroad Bridge** closed for years (cut thru to Carmel utilizing 312)
- **Railroad Bridge** in Brewster Village finally repaired. Dangerous for many reasons and years.
- **Speed limits** non realistic and generally not followed. IE North Brewster Road
- **Minor Road left** from 312 insane. Should be no lefts allowed on the blind curve.
- Minor Road Bridge closed for **months**. When it was finally repaired I question its sustainability.
- **Golddome** closed and moved from the property across from A&P. Seems like a great deal of acreage?
- **Flower Garden** on 22 has been vacant for many years.
- **Blockbuster** space has been vacant for years A&P Plaza
- **Permit process not working**. People in Southeast build and then attempt to get permission once built upon. What is the land clearing east of the railroad tracks on 312?
- Light, noise, un-due speed, parking are frightening **realities**.
- **Supervised Life Styles** SLS facility large Blue Victorian on N. Brewster and Two white homes across from Drewville Road, closed by the mental health department. Charming facilities inside and out. Cafeteria like setting.
- The Brewster downtown area is not the inviting little village I knew when I choose to move here. There is a lot of questionable activity. Much not publicized. The landmarks like Cameo Movie Theatre, Hopes Drugstore, and Sheppard's Hardware has been closed over 10 years

As you can see we have much to do. **Why are we considering painting the decks of the Titanic while it is sinking?** Let's look at Palmer Brothers Hardware on Route 22 in Southeast or Kobachers across from Markel Park as positive examples. Please focus on our current issues;

Let's make our town a safe wonderful life experience, NOT another hassle of life.

We cannot entertain new zoning changes when we cannot keep our current infrastructure working properly.

My family and I have lived here for going on 30 Years. We have brought up two children in the school system and have had the pleasure of being parishioners at St. Lawrence O'Toole. Little League, Girl Scouting are all lovely times and we have wonderful memories.

We now have four adults (over 18) in our family and we all have attempted to remain involved in community affairs.

I don't know what the answer is to many of the issues I have raised above? However I know adding another facility, in an already busy area is NOT the prudent solution.

Please realize that this is not an attack on the board or any of its members. It is observations that I am making to you as a private caring citizen. I would like to continue to be proud of stating that we live in Brewster or Southeast or both.

Please vote down the zoning change and look at the issues above for solutions.

Respectively,

John Patrick

Michele Stancati

From: Tony Hay [tonyhayusmc@gmail.com]
Sent: Saturday, January 31, 2015 12:51 PM
To: Michele Stancati
Subject: Fwd: Crossroads 312

fyi

----- Forwarded message -----

From: Elizabeth Hudak <berkmanandhudak@comcast.net>
Date: Sat, Jan 31, 2015 at 11:35 AM
Subject: Re: Crossroads 312
To: Tony Hay <tonyhayusmc@gmail.com>

Tony,

Can you please inform Ms. Capuano that we have not yet voted on the "zone change". Thank you.

Regards,
Liz

Sent from my iPad

On Jan 31, 2015, at 10:55 AM, Tony Hay <tonyhayusmc@gmail.com> wrote:

Dear Ms. Capuano,

The Town is in receipt of your e-mail. Thank you. Tony Hay

On Sat, Jan 31, 2015 at 10:29 AM, Christine Capuano <crisee@hotmail.com> wrote:

I urge the town board, especially Messers Alvarez, Cullen and Ms Hudak to reconsider their vote for this zone change. To change the appearance of our beautiful town to have a shopping hub and no tax relief which IS the case, is disgraceful. We, the taxpayers of Southeast will be saddled with the bill for road widening, increased traffic lights, increased road maintenance and pollution.

Nassau County touted the same things Mr. Lepler is saying. They have one of the highest taxes in NY and traffic is a nightmare.

If I wanted a shopping mall destroying our beautiful town, I would have stayed in Queens. Ugh! Responsible development..no zone change please.

Sent from my iPad

--

Tony Hay

Michele Stancati

From: Tony Hay [tonyhayusmc@gmail.com]
Sent: Sunday, February 01, 2015 8:23 AM
To: Bob Cullen; Chris DuBois; Edwin Alvarez; Liz Hudak; Lynne Eckardt; Michele Stancati; Will Stephens
Subject: Fwd: FYI - My comment to article on Thurs. night's meeting in putnamdailyvoice. Ann

fyi

----- Forwarded message -----

From: <[REDACTED]>
Date: Sun, Feb 1, 2015 at 4:08 AM
Subject: FYI - My comment to article on Thurs. night's meeting in putnamdailyvoice. Ann
To: tonyhayusmc@gmail.com

Ann@savetillyfosterfarm:

Some additional points and an explanation. 1. Did 80% of the residents support Crossroads? No, they did not. A poll of 300 residents was taken, of which 240 expressed support. Is that 80% of the 18,000 residents of the Town of Southeast? I think not. 2. The poll itself is questionable. Among the questions was one which sought to ascertain the political leanings of the resident whether his/her position would affect his/her voting for Supervisor or Town Board members, Edwin Alvarez, Lynne Eckardt and Tony Hay. What was this poll really about? Was it really a push poll?

2. Jobs - Short term construction jobs of course would be in the offing but then what kind of jobs would be available in hotel and discounter and a possible restaurant? Can anyone pay their mortgage and taxes with the salaries offered?

3. The hotel - we support the hotel concept, but is it for families? The developer failed to mention the availability of swimming pool, conference room, banquet or even a full-service restaurant for lunch and dinner. Why because this low end hotel is fit only for one nighters. Just three items that everyone should bear in mind before knee-jerking their approval of Crossroads.

Tony Hay

Supervisor, Town of Southeast

1360 Route 22, Brewster, NY 10509

(845) 279-5345 (O)

(845) 278-2453 (F)

tonyhayusmc@gmail.com

thay@southeast-ny.gov

Michele Stancati

From: Tony Hay [tonyhayusmc@gmail.com]
Sent: Monday, February 02, 2015 12:57 PM
To: Robert Zubrycki
Cc: Town Board; Tony Hay
Subject: Re: Crossroads

Dear Bob,

The Town is in receipt of your e-mail. Thank you. Tony Hay

On Mon, Feb 2, 2015 at 11:41 AM, Robert Zubrycki <[REDACTED]> wrote:
To: Town of Southeast, Supervisor Tony Hay and Town Board,

Hello all, I am writing to urge to you keep the current zoning in place for the crossroads project. I have several concerns about issues that will negatively effect the many residents surrounding Lake Tonetta. Many of us returned or moved to Putnam County "Where the Country Begins" for just that reason.

1. Visibility. Because this project is on a ridge line, it will be visible for many. The balloon test several years back was done during an early spring, when the trees were in bloom or bud, making it difficult to asses the full visual impact. I realize the hotel has been scaled back, but it was the retail section that had the most visual impact to residents.
2. Lighting. Even with downward directed lighting, this project is on top of a hill, so lighting and light pollution will be visible to many, from the retail building, parking lot and vehicles.
3. Location. During meetings for the comprehensive plan, many areas of our town and village were identified for development that are not on a ridge line and have better infrastructure to handle traffic.
4. Design. Also discussed at comprehensive plan meetings was residents' desire to have development and businesses take advantage of our town's scenic beauty. It was mentioned that Lakeview Plaza was a missed opportunity, with no businesses taking advantage of the reservoir views. The issue is similar at the Highlands, the views are for and of the back of Home Depot. The restaurant, Las Mananitas, located down the street on Route 22, has a great setting and views and is currently thriving. It would be great to see the crossroads project take advantage of its location - in scale and design. A restaurant/banquet room on the top floor of the Hotel taking advantage of sweeping view could make it a destination for residents and visitors alike.

Thank you for your time and consideration in this long and complicated process. I urge you to retain the current zoning for this location.

sincerely,

Robert Zubrycki

[REDACTED]
Brewster, NY
[REDACTED]

[REDACTED]
Brewster, NY 10509
Feb. 2, 2015

Supervisor Hay and Southeast Town Board
Southeast Town Hall
1360 Rt. 22
Brewster, NY 10509

Dear Supervisor Hay and Town Board Members:

First, I want to thank Supervisor Hay for taking the time to speak with me recently and address my concerns about the Crossroads 312 project and, in particular, the zoning change that the developer is asking for. I appreciate the clarity and fair-minded leadership that both he and Councilwoman Eckardt have provided at town board meetings on the subject of Crossroads.

Second, although I have called, written, and spoken at town board meetings more than once regarding this matter, I want to state again that I support RC zoning for Crossroads 312 and do not support rezoning to HC-1.

I believe the oversized retail project that the developer wants to build will further ruin my views of Tonetta Lake and decrease the value of my home. I also believe it will eventually increase my taxes since the tax revenue contributed by Crossroads will not pay for its own upkeep. Because I live on a fixed income, when that happens I may be forced out of my home. Finally, I've already started noticing slower travel times when driving on Rt. 312, and I don't want to see it get worse. My husband and I are seniors, and I'm especially worried about how emergency vehicles will reach us in case of an accident or health crisis. The developer's FEIS admits that the roads that feed off of 312 will experience delays, and it's a safety hazard when emergency vehicles have to run a series of red lights, besides which it slows them down, wasting vital seconds.

I hope the town board will seriously consider my comments and the comments of other residents, particularly those who live close to 312 and will be directly affected by Crossroads. Please do the right thing and represent the majority of your constituents instead of catering to the special interests of the developer and his team.

Sincerely,

Helen Dorkin

Helen Dorkin

David A Buckner

[REDACTED]
Brewster NY 10509

February 2, 2015

Tony Hay, Supervisor
and Robert Cullen, Elizabeth Hudak,
Lynne Eckardt, and Edwin Alvarez, Council Members
c/o Supervisor Hay, USMC@gmail.com
1360 Route 22, Brewster NY 10509

RE: Crossroads 312 Development

Respected Supervisor Hay and Board Members:

As strongly opposed as I am to the Crossroads 312 development, I could find a small measure of peace if I knew that a real majority of my fellow townspeople actually supported this proposal, especially if their support were based on a truly informed position.

If a referendum is not permitted, but the Board has power to change zoning laws, could they not make some special change in order to accommodate a referendum, vote, or other gauge of public sentiment?

I thought that the idea that lowering or stabilizing taxes with sales tax income from this sort of development was a myth that had been exploded some time ago. I request the Board members to publically state their reasons for supporting or opposing this project, substantiating their positions with documentation more compelling than opinion. That would be transparency. It builds trust.

Within the structure of the town board, ought not members to support the wish of the majority of the public or are they free to vote according to their own discretion? If the latter is the case, how much more so are they obliged to explain themselves?

Michele Stancati

From: Anne Brandon, D.C. [REDACTED]
Sent: Monday, February 02, 2015 12:47 PM
To: townboard@southeast-ny.gov

Being a lover of Brewster my entire life, I vote no to the proposed change of zoning at crossroads 312. Although no longer a resident I do maintain my health care practice here, in the town that I love for over two decades. A decision that will be so far reaching and permanent requires more time to consider the ramifications on the local pollution, light pollution, traffic density, near- by wet lands, middlebranch reservoir and the tilly foster farm. A big box store will ruin the quaintness of our town as will a towering hotel. It broke my heart my first glance at the plaza that is currently up in that park. fFom the Danbury side it looks awful, ruining our beautiful landscape.

A decision as to the size of a small sign out in front of my office has yet to be reached after four years at my current location. I hope that the board will proceed this cautiously in deciding the fate of Crossroads 312 and the future of Southeast.

Thank you for considering this comment.

Dr. Anne Brandon
Advanced Chiropractic Wellness Care
"Your Health and Wellness Home"

Michele Stancati

From: Tony Hay [tonyhayusmc@gmail.com]
Sent: Thursday, January 29, 2015 6:27 AM
To: Lauren Quattrocchi
Cc: townboard@southeast-ny.gov
Subject: Re: development of property at the intersection of Rte 312 & 84.

Dear Ms. Quattrocchi,

The Town is in receipt of your e-mail. Thank you. Tony Hay

On Wed, Jan 28, 2015 at 10:34 PM, Lauren Quattrocchi <[REDACTED]> wrote:
To whom it may concern:

As a life long resident of Brewster, NY, ([REDACTED]), I do not think the zoning should be changed for the development of the property at the intersection of Rte 312 & 84, I would like the zoning maintained as RC, as was suggested in the Master Plan. If the zoning is changed this will affect the ridge views from Tonetta as well as even more light pollution, traffic, noise, and ultimately altering the character of the neighborhood all together. Thank you for your time a consideration of my input.

Best,
Lauren Quattrocchi

--

Tony Hay

Supervisor, Town of Southeast

1360 Route 22, Brewster, NY 10509

(845) 279-5345 (O)

(845) 278-2453 (F)

tonyhayusmc@gmail.com

thay@southeast-ny.gov

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Michele Stancati

From: [REDACTED]
Sent: Sunday, February 01, 2015 12:51 PM
To: townboard@southeast-ny.gov
Subject: against zoning change
Attachments: no to zoning change.docx

Dear Southeast Town Board,

At the last town board meeting you had requested/welcomed correspondence from the public regarding the proposed zoning change and the Crossroads 312 proposed project. Please see attached:

Donald and Donna McAlpin
[REDACTED]
Brewster, NY 10509

Michele Stancati

From: [REDACTED]
Sent: Saturday, January 31, 2015 5:55 PM
To: townboard@southeast-ny.gov
Subject: Crossroads 312 project

Dear Board Member,

I have lived in the Town of Southeast for almost 40 years and have seen many changes to the town over the years. Some were good and some were bad. Changing the zoning for the Crossroads 312 project would in my opinion, be one of the very bad ones. It would add additional traffic to an already congested narrow road (RT 312) and a very busy intersection (Rt's 312 & 84).

Please do not make any zoning changes from the present RC zoning.

Sincerely,

Linda Lund
[REDACTED]
Brewster, NY 10509
[REDACTED]

Michele Stancati

From: [REDACTED]
Sent: Saturday, January 31, 2015 5:17 PM
To: townboard@southeast-ny.gov
Subject: Rt. 312 Zoning change

Hello,

I have lived in and raised 3 children in the Town of Southeast for almost 40 years. I have volunteered my time and service to the Town many times during those years. Most of you know me and my love for this Town. I wish to express my opinion to Tony Hay the Town Board members that the Town of Southeast had spent a lot of money and time in developing a Master Plan a number of years ago to maintain the rural aspect and beauty of our town. To make the zoning changes for the crossroads 312 development is just wrong. It compromises the trust we put in you elected officials to follow that Master Plan.

The overall negative impact vs. the proposed dollar gain is just not proven or worth it to us residents.

Please do not make any zoning changes from the present RC zoning.

Respectively Submitted,
Robert C. Lund

[REDACTED]
Brewster, NY 10509
[REDACTED]

Michele Stancati

From: Melissa Viar [REDACTED]
Sent: Monday, February 02, 2015 11:51 AM
To: townboard@southeast-ny.gov
Subject: NO to development on 312.

My vote is a resounding NO, NO, NO to the development on Route 312.

~Melissa Viar

[REDACTED]
Brewster, NY 10509

Michele Stancati

From: Christine Capuano [REDACTED]
Sent: Saturday, January 31, 2015 10:29 AM
To: townboard@southeast-ny.gov
Subject: Crossroads 312

I urge the town board, especially Messers Alvarez, Cullen and Ms Hudak to reconsider their vote for this zone change. To change the appearance of our beautiful town to have a shopping hub and no tax relief which IS the case, is disgraceful. We, the taxpayers of Southeast will be saddled with the bill for road widening, increased traffic lights, increased road maintenance and pollution.

Nassau County touted the same things Mr. Lepler is saying. They have one of the highest taxes in NY and traffic is a nightmare.

If I wanted a shopping mall destroying our beautiful town, I would have stayed in Queens. Ugh! Responsible development..no zone change please.

Sent from my iPad=

Michele Stancati

From: Wendy Ouellette [REDACTED]
Sent: Monday, February 02, 2015 4:50 PM
To: thay@southeast-ny.gov; townboard@southeast-ny.gov
Subject: Crossroads 312 -- Vote NO on the zoning change

Dear Supervisor Hay & Town Board Members:

Thank you for providing the opportunity for public comment on the Crossroads 312 project. I attended the January 22nd meeting regarding changing the zoning from RC to HC-1, and I spoke briefly against the change.

All the publicity about this issue has been fair in representing both sides, but the public seems to have missed the crucial points upon which the Board will be voting, which did not become apparent to me, in fact, until the very end of the discussion on January 22nd. They are:

- the RC zoning code already allows for a hotel to be built under special permit;
- the RC zoning code already allows for some retail to be built under special permit;
- the RC zoning code already allows for restaurant space.

As one resident pointed out during the meeting, leaving the zoning code unchanged still allows development of the land with the result of increased jobs and tax dollars, which everyone agrees are important issues to the Town of Southeast. If I'm not mistaken, the gentleman speaker declared: "We can have the best of both worlds!"

I wholeheartedly agree. I see no reason not to develop under the existing code, which, many residents pointed out, was painstakingly devised years ago to preserve the quality of life that we currently enjoy in Southeast.

Changing the zone to HC-1, however, will open a Pandora's box. As other speakers pointed out, there is no specified hotelier planning to inhabit this new, "proposed" hotel. In fact, we cannot be sure the developer will actually build a hotel, no matter how many stories high.

What the developer seems to be seeking through obfuscation is the bland creation of generic "box stores" that will not add to the character of our town, nor will it ameliorate already dangerous traffic conditions, nor will it provide a unique shopping experience for either locals or visitors. It seems to me that we can work harder to preserve the charm of our rural community—already incredibly accessible by Metro-North and I-84—AND provide the economic stimulation this town needs.

This issue does not have to divide down party lines or between all development vs. no development. We CAN have the best of both worlds, if only we take care to make it happen.

My husband and I sincerely urge the Board to vote NO on the zoning change this month and to continue to demand a better plan from this developer—or seek another developer who has some real vision. Thank you for considering our wishes.

Respectfully,

Wendy Ouellette
Tim Noble
[REDACTED]

Michele Stancati

From: Beth Maley [REDACTED]
Sent: Monday, February 02, 2015 3:14 PM
To: townboard@southeast-ny.gov
Subject: Against the zoning change

Dear Members of the Southeast Town Board,

My Husband and I have lived in Brewster for 45 years, first 20 years on Route 22 (East Branch Ave.) and the last 25 years on Starr Ridge Road. We raised our son and daughter here, both attending the Brewster Schools from kindergarten through high school graduation. **I am writing to request that the Town Board vote against the zoning change being requested by the Crossroads Developer.**

It seems that the zoning regulation put into place 10 years ago was done for a purpose-to keep the rural character of our town, and we are gradually changing that with proposed (and already completed) development that hasn't been given enough consideration. This becomes sharply clear when I am east bound on Rt. 84 and am assaulted by the visual blight known as the Brewster Highlands. Of course, this is my opinion, but I still find the flattened mountain top which now houses Home Depot, etc. with lights blaring into the night sky offensive.

Many sensible comments were made at the January 22 public hearing, all expressing reasons why the current zoning regulation should not be changed to accommodate another large-scale construction project, particularly one that could add to the environmental degradation of the community. Actually, I think the majority of the audience was against the change. As the hearing ended, one board member commented that the petitions submitted and the opinions expressed by audience members, both opposing the zoning change, are not a fair representation of the whole community. I disagree with that thought. When do we ever get the majority of the residents to participate, express their opinions, or even vote on issues (i.e. school budget votes, etc.)!? The rest of us who are involved and care should not be held hostage to that opinion.

I am not against sensible development (or a hotel) as long as a proposed project keeps within the current zoning laws and doesn't destroy our rural character (or the environment). Wasn't Putnam County once described as 'where the city meets the country'? Well, at the rate we're going, the 'city will soon over-take the country.' And I don't believe most people want that, even the majority of residents who appear to be uninterested and uninvolved. I believe if they all understood the issues most would agree.

Thank you for listening.

Beth Maley
[REDACTED]
Brewster, NY 10509
[REDACTED]

Michele Stancati

From: John Kapernick [REDACTED]
Sent: Monday, February 02, 2015 2:09 PM
To: townboard@southeast-ny.gov
Subject: Crossroads 312 zoning change(s) and variances request

To whom it may concern,
My name is John Kapernick. I have lived in Southeast since 1979.

I urge you all to NOT grant the requested change and NOT to grant the zoning variances to Crossroads 312.

I have written a letter to you stating my reasons for being against the requested changes. But, I blew it with respect to the deadline for such letters. I will mail it anyway.

Thank you for holding the public meeting on the requested changes, for extending the comment period, and for allowing me to comment.

Sincerely,

John Kapernick

Michele Stancati

From: Tony Hay [tonyhayusmc@gmail.com]
Sent: Friday, January 30, 2015 8:09 AM
To: Bob Cullen; Chris DuBois; Edwin Alvarez; Liz Hudak; Lynne Eckardt; Michele Stancati; Will Stephens
Subject: Fwd: zoning

fyi

----- Forwarded message -----

From: Theresa Korn <[REDACTED]>
Date: Thu, Jan 29, 2015 at 8:07 PM
Subject: zoning
To: THAY@southeast-ny.gov

I do not want to see the zoning changed to Highway Commercial. Hopefully we are being heard. Thank you for all your work, Theresa Korn.

--

Tony Hay

Supervisor, Town of Southeast

1360 Route 22, Brewster, NY 10509

(845) 279-5345 (O)

(845) 278-2453 (F)

tonyhayusmc@gmail.com

thay@southeast-ny.gov

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Michele Stancati

From: [REDACTED]
Sent: Thursday, January 29, 2015 8:00 PM
To: Board, Southeast
Subject: Crossroads 312

Dear Town Board Members,

I am writing to urge you to vote "no" to the proposed rezoning of the Crossroads 312 property. My greatest concern is the traffic that will be generated, and the inability of the existing infrastructure to support this. Just about a month and a half ago, while walking on the bike path toward Carmel, near the intersection of Rte 312, and Rte 6, I observed that there had been a "fender bender" at the junction of John Simpson Road, and Rte 6 and Old Route 6. This accident tied up traffic for well over an hour, in many, many directions-it backed up those traveling from Carmel, those traveling from Route 312, those traveling from Brewster, on Route 6, those traveling from John Simpson Rd, and those traveling from Old Route 6. Hundreds of people in cars from every direction had their day altered by this one event. I am very fearful that with the addition of 800 cars a day, there will be many more accidents, innumerable delays, and a subsequent impact on the quality of life for all those who regularly traverse these roads. In addition, I am concerned about the degradation of the ridge line, and the impact that a project such as this will have on our environment, our fragile eco system, including our precious water resources. I am not opposed, per se, to development, rather, I am opposed to the eroding away of the Master Plan, and the ramifications of this for future development in our town.

Please vote "NO."

Sincerely,
Alice Brandon

[REDACTED]
Brewster, NY 10509

Bradley D. Schwartz
[REDACTED]
Brewster, NY 10509

Southeast Town Board
Town Hall
1360 Route 22
Brewster, New York 10509

Subject: Proposed Crossroads 312 Project
Date: January 29, 2015

Dear Town Board Members:

I attended the January 22 public hearing on the requested zoning change for the proposed Crossroads 312 project. Both sides were clearly presented on the issues of tax revenue, jobs, shopping, vehicle traffic, and scenic impact. All of these merit consideration. Thank you for listening.

The Town of Southeast has a comprehensive plan, or master plan, with zoning for every parcel of land. Considerable thought was given to this plan and the zoning assignments. Neither the plan nor the zoning should be changed without compelling reasons and significant benefits for the town's residents.

Several people explained the zoning history of the Crossroads 312 property. When the Highlands Center was built, town residents were upset that it altered the landscape and detracted from the rural character of the area. The Town Board respected their complaints and recognized that similar, large-scale developments could occur nearby. This was the compelling reason to change the zoning to RC that excludes a large retail center on the Crossroads 312 site.

The Crossroads 312 developer wants to build a hotel and retail stores. Both are permitted under special permit by the current RC zoning. But the developer wants more: large retail stores that would only be permitted by a change to HC-1 zoning. Furthermore, the developer wants 1. relief on the ridgeline restriction, 2. relief on the building height restriction, and 3. relief on the retaining wall restriction.

The developer has gotten support for 143,000 square feet of retail space and a 100-room hotel by projecting 700+ new jobs and over \$4.8 Million in additional tax revenue for the county, school, town, and fire district. But simply proposing a larger project to provide larger stores, more jobs, and more tax revenue is not a compelling reason to change the zoning. The same argument could be made to enlarge any commercial development.

Briefly and to the point:

Shopping: We have three shopping centers in town: Highlands, Lakeview Plaza, and Towne Center. A fourth shopping center, Stateline, has been approved. There have been numerous vacant stores in Lakeview Plaza and throughout town for several years. We do not have a compelling need for more retail stores in town.

Jobs: With the unemployment rate at 4.7% in Putnam County and falling (2nd lowest in New York State), we do not have a compelling need for more jobs in Southeast.

Taxes: The town, school, and county taxes in Southeast are reasonable for the New York City metropolitan region where salaries and expenses are high. Our taxes are lower than in surrounding towns. We do not have a compelling need for more assessed property to increase tax revenue.

Absent a compelling need for a larger development than RC zoning allows, the Town Board should not approve a zoning change to HC-1 for Crossroads 312.

If the Town Board allows a spot zoning change for Crossroads 312, other owners of RC-zoned property could expect a zoning change for the same reason: a larger development will provide more shopping, more jobs, and more taxes. If limits are reduced for ridgeline disturbance, maximum building height, and maximum wall length, other developers can expect the same concessions.

A Town Board member who votes to change the zoning from RC to HC-1 for the Crossroads 312 project must clearly state the compelling reasons that justify this change. If made without this legitimate justification, a zoning change for Crossroads 312 will invite more applications for zoning changes and lawsuits should the applications be denied.

Thank you for your attention. Please include this letter in the comments for the January 22 Public Hearing on the proposed Crossroads 312 project.

Sincerely,



Bradley D. Schwartz