

2. POTENTIAL IMPACTS AND MITIGATION MEASURES

A. Introduction

This chapter assesses the potential significant adverse environmental impacts of, as well as mitigation measures for, the Preferred Alternative Plan, as described in Chapter I, “Project Description.” Since the issuance of the Draft Environmental Impact Statement (DEIS), the Applicant has proposed changes to the Proposed Action as presented in the DEIS (DEIS Plan) in response to comments on the DEIS Plan from the public, the Town approval boards, and other Interested and Involved Agencies during the public hearing process, which are presented and analyzed in this FEIS as the Preferred Alternative Plan. These modifications represent changes to the DEIS Plan to further avoid and/or mitigate potential significant adverse project impacts.

As discussed in Chapter I, “Project Description”, the changes made in the Preferred Alternative Plan versus the DEIS Plan are as follows:

- The Preferred Alternative Plan proposes two (2) buildings (Figure I-2) instead of the four (4) proposed in the DEIS Plan. The total proposed building square footage is 933,100 square feet (s.f.) versus the 1,124,575 s.f. of the DEIS Plan, an approximately 17% reduction of 191,475 s.f.
- Unlike the DEIS Plan, the Preferred Alternative Plan proposes no zoning text or zoning map amendments, with no rezoning proposed of any portion of the Applicant’s property that is in the Town’s RC “Rural Commercial District” (Figure I-2A).
- No buildings will be situated in the RC District; rather, all buildings will be situated on the proposed Lots 2 and 3, which are wholly within the OP-3 District (Figure I-3).
- Building A, which is closest to Route 312, will be approximately 2,150 feet from Route 312, versus 965 feet for Building I in the DEIS Plan. Distance, topography

and dense existing vegetation obscures Building A's visibility from Route 312 and preserves the rural character of this area.

- The Preferred Alternative qualifies as a "Light Manufacturing" use under the Town Code, and, accordingly, is a use specifically allowable by Special Permit in the OP-3 District.
- Unlike the DEIS Plan, in which the proposed buildings were situated on two ridgelines, the Applicant proposes to construct Building A below the top of the ridgeline, which is proposed to remain. Building B is to be constructed on a ridgeline but below the existing grades. These conditions reduce the buildings' visibility along the ridgeline, and, as a result, the project is minimally visible off-site.
- The ridgeline associated with the southernmost buildings (Buildings 1 and 2 in the DEIS and Building A in the FEIS) has 40% less disturbance and 75% fewer trees removed under the Preferred Alternative Plan. The impacts to the northerly ridgeline have been reduced slightly (9% less disturbance and 3% fewer trees removed) under the Preferred Alternative Plan.
- The nearest building to the Twin Brook Manor residences is approximately 1,210 feet distant as opposed to approximately 600 feet for the DEIS Plan. In addition, an approximately 12 foot high berm is proposed on the site north of Building B to help block views of the buildings from Twin Brook Manor. The distance of the nearest building (Building B) to the Hunters Glen residences remains at approximately 1,415 feet, or just a little over a quarter mile.
- Trucks will no longer be able to circulate around the buildings, with only employee parking situated on the side facing Hunters Glen. In addition, trucking activity is concentrated on the side of the buildings facing away from the condo communities with the buildings acting as a sound barrier to these communities. The buildings will also help buffer the noise from the existing approximately 9,000 daily truck trips on nearby I-84. These conditions help to reduce potential noise impacts for Hunters Glen.
- No general illumination wall-pack lighting is proposed for any portion of Building B facing nearby residences, and the parking lot light poles will be reduced from 30 to 20 feet high, and fully shielded such that there will be no light spillage off of the

property towards Hunters Glen or Twin Brook Manor. The proposed lighting would be dark sky compliant.

- The project will be imperceptible from the vast majority of units within Hunters Glen and imperceptible from Twin Brook Manor during the leaves on condition, and will be minimally perceptible from most of the units in those communities during the winter. Any visual impacts will be minimized by the preservation of substantial areas of existing mature trees and habitat as well as additional proposed evergreen landscaping planted in the "gaps" where the buildings might be visible. The evergreens are proposed to be planted on the properties of Hunters Glen and Twin Brook Manor, subject to the approval of the boards of Hunters Glen and Twin Brook Manor, respectively to further buffer the buildings from residents.
- The entire project site under the control of the Applicant, which is currently comprised of 156 tax parcels, is proposed to be re-subdivided into 11 tax parcels (Figure I-3 instead of the 6 tax parcels proposed in the DEIS).
- Barrett Road will need to be privatized to allow for the consolidated development of the DEIS Plan's Buildings 3 and 4 into the Preferred Alternative's reduced Building B, and to provide access to Building B.
- The site's two access driveways have been modified such that one driveway serves Building A and the other driveway serves Building B.
- For each proposed access driveway, a lane is dedicated for employees to enter and exit the site. The employees may use a keycard for access without having to stop at the security gate.
- The access driveways contain a separate lane for trucks and visitors, who will be channeled to stop at the security gate of each building before entering and exiting. A truck turnaround is provided at each driveway such that those vehicles that do not intend to access the site are able to turn around and exit the way they came into the Campus property from Route 312.
- The Applicant has proposed to place "no build" restrictions on approximately 92 acres of the approximately 229-acre OP-3 portion of its property, which is approximately 40% of this area. The no-build prohibits any future building development in these locations (see Figure I-4).

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

to prevent trucks from proceeding south along Fields Corner Road. Signage advising trucks accordingly will be provided at both locations, and both areas will have a truck turnaround.

- A series of land exchanges are proposed to enable the modification of the right-of-way necessary for improvements to Pugsley Road and Route 312 (Drawing PE-1 in Appendix Volume 4.A, Part M). The Town would abandon the Barrett Road right-of-way to the Applicant, and the Applicant would dedicate the land necessary for the turnaround on Fields Corner Road needed because of the proposed clearance bar south of the Southeast-Patterson Town line to prevent trucks from using this route. The Applicant is donating a net total of 138,657 s.f. (including a land donation to Putnam County), and the Town of Southeast will donate a net total of 36,505 s.f. Thus, the Applicant is donating a net 102,152 s.f. more than the Town for these purposes.
- While both a traffic signal with roadway improvements and a roundabout were considered at the intersection of Route 312 and Pugsley Road, NYSDOT has determined that a demand responsive traffic signal and roadway improvements are the desired improvements.
- To further assure operating conditions at the intersection of Route 312 and Pugsley Road, the Pugsley Road improvements with the signalized T intersection are proposed to be expanded from the previously proposed two lanes to provide three approach lanes, with dual left turns and a single right turn lane. In addition to the previously proposed left turn lanes along Route 312, a second through lane is proposed along Route 312 eastbound and either a right turn lane or second through lane will be provided along Route 312 westbound, subject to NYSDOT approval.
- NYSDOT is currently proposing improvements to the signalized intersections of Route 312, I-84 and Independence Way, which will also serve to improve operating conditions in the area.
- At the Route 312/Route 6 intersection, delays are projected without the project for left turns onto Route 312 from Route 6 and right turns onto Route 6 from Route 312. If Crossroads 312 is not constructed when the subject property is

developed, the Applicant will coordinate with NYSDOT to improve the signal timing and minimize the delays for those movements by providing a higher percentage of the signal cycle to the Route 6 eastbound/ Route 312 right turn overlap.

- Like most warehouse/distribution facilities, the Commercial Campus at Fields Corner will have strict anti-idling policies, which each individual tenant's warehouse manager is charged with enforcing. If a truck driver is idling at a facility, the shipping and receiving supervisor will tell them to shut off. A driver's lounge will be provided with chairs, table, TV, and a bathroom with a toilet and a sink, for drivers who need a quick break or are waiting to be reloaded. The driver's lounge will have a separate entrance from the warehouse, and the drivers will not be permitted into the warehouse. Outlets are to be provided at each building so that truck's engine warmers can be plugged in during the coldest winter weather, rather than having their engines running for any extended period of time.
- As a matter of practice, warehouse/distribution facilities do not provide an overnight facility and truck drivers are not permitted to sleep overnight in their trucks at warehouse/distribution facilities. The Applicant is willing to consent to the imposition, as a condition of Special Permit approval, of restrictions against overnight facilities or overnight sleeping at the Preferred Alternative.
- Total impervious area is 48.4 acres, a reduction of 8.8 acres from the DEIS Plan, which had an impervious area of 57.2 acres versus the existing site conditions.
- Impacts to wetlands remains at a permanent 0.05 acre encroachment into the wetland and would occur only at the existing on-site road crossing (improvements at the Barrett Road wetland crossing between Wetlands 4 and 5); otherwise only minor encroachments into the adjacent areas are proposed, with 2.66 acres of disturbance to NYSDEC wetland buffers (which are also regulated by the Town), and 5.79 acres of disturbance to Town-only regulated wetland buffers.
- A Wetland Mitigation/Habitat Restoration Plan has been developed to enhance the developed portions of the site at the Barrett Road crossing as well as other non-wetland locations. This will be accomplished through control of invasive species and restoration of a variety of habitats using substantial amounts of native

trees, shrubs, forbs and grasses to provide improved habitat for a variety of mammals, birds, reptiles and amphibians currently found on the site (see Appendix 6-2).

- The subject property currently pays approximated \$143,000 for property taxes on undeveloped land. Without development this annual tax would stay the same in perpetuity subject only to annual tax escalation.
- Property taxes for the subject property based on the proposed development would over the first fifteen years generate more than \$30,900,000 in new taxes under a Putnam County IDA PILOT program. This is a difference of over \$28,000,000 in additional property taxes paid compared with cumulative property taxes paid if the property were to remain undeveloped.
- If the PILOT payments were distributed as property taxes are currently allocated, the regional school system would receive more than \$25,945,000 in new revenue over the first fifteen years.
- The proposed project will generate an estimated \$73,500,000 of annual economic output including 551 new on-site jobs during the anticipated day shift and 115 new indirect jobs. (Although a total of 1,040 jobs are projected over the 24-hour period, the 551 jobs on the anticipated day shift were used in the economic analysis [Appendix 10-1] as a conservative number, but with water/septic demand and the traffic analysis taking into account all three shifts.) This economic output will have a favorable and lasting impact on the local economy.
- No road salt will be stored on site. An outside contractor will clear snow after a storm and will comply with all pertinent NYCDEP regulations regarding any materials used for snowmelt, and use the minimum amount necessary.
- The building will operate 24/7/360, but the fact is that within the industry, the majority of commercial activity occurs during the traditional business day, and is reduced by approximately half during the second (evening) shift. During the third (night) shift the activity is limited to in-building cleaning, maintenance, repair and restocking activity much like a grocery store prepares for the next business day. Based on truck counts at the Gap Distribution Center in Fishkill and at the Matrix Distribution Center in Newburgh, truck traffic is concentrated to the first

shift, tapering into the second shift. The vast majority of trucks will not be making deliveries between the hours of 11:00 PM to 7:00 AM in normal operations.

- Given the large distances involved, the reorientation of all the loading docks away from Hunters Glen and Twin Brook, eliminating the need for trucks to circulate around the buildings, truck access to the buildings will not adversely impact the residents of Hunters Glen and Twin Brook. Any faint truck sounds that could be audible outside the residences in those developments would be similar in nature, but not as loud, as the peak truck noise from I-84, and would not wake up a person sleeping even with an open window.
- The Applicant is willing to commit to a maximum of 46 dBA from the rooftop HVAC units, which is below the Town Noise Ordinance night-time $L_{eq(1 \text{ hr})}$ of 55 dBA. The Applicant is willing to provide a monitoring report, submitted after the building is complete, to confirm that the noise levels for the HVAC units are 46 dBA or less.

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

B. Land Use and Zoning

The Preferred Alternative does not call for any rezoning actions. Again, the Preferred Alternative is located in the Town's OP-3 District, where, as established by the Town's official planning documents – namely the 2014 Comprehensive Plan Update and the Zoning Code – it is allowed by Special Permit. Moreover, the Preferred Alternative is consistent with the vision and goals of the CPU of balancing a healthy economic environment with quality commercial character while protecting the integrity of the Town's natural resources and infrastructure. (See CPU, at I-4.) The Preferred Alternative provides significant economic development for the Town in terms of direct, indirect, and induced jobs, as well as millions of dollars of direct, indirect and induced economic output

during the construction phase and continuing annually during the operations phase.

The 2014 Comprehensive Plan Update also identifies this site as being within a potential commercial activity area. (See CPU, at Figure 7-1.) The CPU also recommends that this area is a “node of commercial activity” such that future potential development should be compatible with that vision. The Applicant submits that the proposed warehouse/distribution facility use, which preserves Route 312’s rural character, meets this vision.

The proposed project protects the Town’s natural resources with approximately 80% open space of the approximately 229-acre OP-3 portion of the Applicant’s property, adherence to the Town’s ridgeline protection measures, provision of a substantial natural buffer from roadways and residential properties, and other measures to protect the area’s rural community character. The Applicant has proposed to place "no build" restrictions on approximately 92 acres of the approximately 229-acre OP-3 portion of its property, which is approximately 40% of this area. The no-build prohibits any future building development in these locations.

The Applicant would be willing to accept a condition to its requested Special Permit that the Preferred Alternative shall not handle or store hazardous substances that are subject to regulation by the New York State Department of Environmental Conservation (NYSDEC) pursuant to 6 N.Y.C.R.R. Part 596. The NYSDEC is the State agency primarily responsible for the handling and storage of hazardous substances.

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

considered hazardous, such as nail polish, televisions, and computers.

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

C. Traffic

The Applicant met with NYSDOT together with the Town on four occasions, most recently 7/23/2018 and 1/24/2019. Pursuant to these discussions, the project will provide a traffic signal at the Route 312/Pugsley Road intersection. While the configuration of the signal is ultimately decided by NYDOT, the Applicant analyzed various alternatives and has engineered solutions to the alternatives that will operate at desirable levels of service. Additionally, the Applicant proposes to add lanes to Route 312 from Pugsley to I-84 so that there will be four full lanes serving this area, thus doubling the road's capacity in a portion of the area.

The projected peak hour traffic from the development is anticipated to be less than a ten percent (10%) increase to the projected volumes without the project in 2023 at the Route 312/Pugsley Road intersection, while the project improvements will be contributing significantly to the overall capacity of the Route 312 corridor. The new traffic will often occur at different times (i.e., be out of phase) with the peak hours of the area roadways due to the timing of shifts for warehouse/distribution center type uses.

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

Traffic signals in the Route 312 corridor will be coordinated and adjusted by NYSDOT in conjunction with an unrelated NYSDOT improvement project, which will optimize the demand responsive signal timing to align with volumes so that traffic will flow more comfortably through the intersections. The current intersection of Route 6 and Route 312 is scheduled to be improved with the Crossroads 312 project to provide dual left turns with a shared thru movement along Route 6 eastbound. Peak hour delays currently experienced at this intersection are existing movements to and from the Carmel area. The proposed project will have a limited impact on traffic operations at this location.

Pugsley Road will be substantially improved by the Applicant to Barrett Road. North of Barrett Road, Fields Corner Road will not be improved, and the Applicant proposes the use of a height barrier device to restrict truck access to the local road to/from Patterson. Fields Corner Road will remain closed and not maintained to the north of the project during winter months.

The traffic projections are based on national surveys of similar buildings and cover a wide range of uses. At the request of the Planning Board, the traffic analyses consider an extremely conservative scenario with the first shift traffic movement superimposed onto peak am and pm roadway hours, even though peak project generated traffic is likely to occur before the peak roadway hour. To ensure that the analyses considered the actual experiences of similar projects in the area, the Applicant counted traffic at the Gap facility in Fishkill and the Matrix facility in Newburgh to understand their traffic movements and found that peak hour total traffic volumes are substantially less than considered in the DEIS, and truck traffic at these facilities was approximately one third of the projected truck volume considered in the DEIS. At both of these facilities, truck traffic is concentrated to the first shift, tapering into the second shift. Both facilities operate 24/7. The likely tenant mix will be regional businesses serving the tri-state area with conventional warehouse/distribution, or with an automated hi-bay logistics configuration. As a result, the projected traffic volumes are conservative, and in this conservative analysis continue to be substantially higher than would be expected based

on the Gap and Matrix counts, while providing adequate volume projections for a wide range of uses.

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

The Applicant has reviewed its proposed mitigation measures, and has incorporated several others in this FEIS, in order to ensure project related impacts have been identified and satisfactorily mitigated, including, but not limited to, effectively constructing one additional lane in each direction along Route 312 between Pugsley Road and Independent Way to accommodate the traffic generated by the project, which will also benefit others traveling along the roadway.

D. Visual Resources

The Preferred Alternative Plan further reduces the projects already limited visual impacts as compared to the DEIS Plan.

Initially, the Preferred Alternative Plan has been significantly reduced in size as compared to the DEIS Plan, which in itself will reduce the project's visual impacts. Based on feedback and comments from Town officials and the public, the four proposed buildings have been consolidated into two buildings and reduced in size by approximately 17%.

Moreover, the project will be even farther back from Route 312 because, unlike the DEIS Plan, the Preferred Alternative Plan proposes that no buildings will be situated in the RC District. As a result, Building A, which is the closest of the two buildings in the Preferred Alternative Plan to Route 312, will be approximately 2,150 feet from Route 312, versus 965 feet for Building I in the DEIS Plan. Intervening topography and vegetation will result in Building A being invisible from Route 312. Moreover, Route 312 is at an elevation of 550 feet at its nearest point, while Building A, with a finished floor elevation of 649 feet,

will be substantially below and behind the top of the ridgeline which is located between Building A and Route 312 and has a top elevation of 672 feet. As such, distance, topography, and dense existing vegetation will completely obscure Building A's visibility from Route 312 and preserve the rural character of this area.

The Preferred Alternative Plan also doubles the distance between the project and Twin Brook Manor, meaning that the Hunters Glen and Twin Brook Manor communities will both be approximately a quarter-mile from the project. With the consolidation of Buildings 3 and 4 into Building B, the nearest building to the Twin Brook Manor residences, will be approximately 1,210 feet distant as opposed to approximately 600 feet for Building 4 in the DEIS Plan. In addition, an approximately 12 foot high berm is proposed on the site to further visually block Building B and provide a noise barrier from Twin Brook Manor. The distance of the nearest project building (Building B) to the Hunters Glen residences remains at approximately 1,415 feet, or just over a quarter mile.

In addition, in response to comments from the residents of Hunters Glen and Twin Brook Manor, the site lighting has been redesigned so that no general illumination wall-pack lighting is proposed to be attached to any portion of Building B that faces nearby residences, and the parking lot light poles will be reduced from 30 to 20 feet high. The lighting will be fully shielded such that there will be no light spillage off of the property towards Hunters Glen or Twin Brook Manor. The proposed lighting will be dark sky compliant.

The project will be imperceptible from the vast majority of units within Hunters Glen and imperceptible from Twin Brook Manor during the leaves on condition, and will be minimally perceptible from most of the units in those communities during the winter. Any visual impacts will be minimized by the preservation of substantial areas of existing mature trees and habitat as well as additional proposed evergreen landscaping planted in the "gaps" where the buildings might be visible. The additional evergreens are proposed to be planted on the properties of Hunters Glen and Twin Brook Manor, subject to the approval of the boards of Hunters Glen and Twin Brook Manor, respectively and

coordination with the Town Planning Consultant to further visually buffer the buildings from residents.

The project will be generally imperceptible from most other locations in the Town. In summary, additional measures have been taken since the DEIS to further reduce visual impacts from the proposed use. As a result, the Preferred Alternative Plan avoids or mitigates any potentially significant visual impacts.

E. Surface Water and Wetlands

Surface Waters

A Final Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the proposed project (Appendix 6-1) as a result of comments from the NYCDEP, the Watershed Inspector General, the NYSDEC, and updated soil testing results. The proposed project will add no additional phosphorous to the Middle Branch Reservoir.

The proposed stormwater facilities have been designed such that the quantity and quality of stormwater runoff during and after construction are not adversely altered or are enhanced when compared to pre-development conditions. The proposed stormwater improvements will result in reductions of peak rates of runoff from existing conditions for all storms and design points analyzed, resulting in no impacts to off-site properties. All water quality practices, including the enhanced phosphorus removal required because the project is within the NYCDEP watershed, exceed the requirements of the stormwater management practices criteria as outlined in Chapter 6 of the NYS Stormwater Management Design Manual.

The combination of stormwater infiltration basins in series with wet detention basins (micropool extended detention basins or pocket ponds) and micropool detention basins in series with pond/wetland systems, the utilization of hydrodynamic separators for pretreatment prior to being discharged into stormwater management areas,

cisterns, open channels, bioretention areas and level-spreader discharges provide redundancies to enhance water quality and mitigate stormwater runoff rates from the development areas. The vegetated swales and other overland conveyances of stormwater runoff will result in additional infiltration for runoff reduction and water quality that is not considered in the SWPPP's hydrologic model, resulting in a conservative analysis.

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

The Applicant is to have a qualified professional conduct an assessment of the site prior to the commencement of construction and certify that the appropriate erosion and sediment controls, as shown on the Erosion & Sediment Control Plans, have been adequately installed to ensure overall preparedness of the site for the commencement of construction. In addition, the Applicant will have a qualified professional conduct one site inspection at least every seven calendar days and at least two site inspections every seven calendar days when greater than five acres of soil is disturbed at any one time.

Wetlands

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

As described in the DEIS, a total of six wetland systems are found on the subject property. Two of these wetlands, described as Wetland 1 and Wetland 3, are locally

regulated by the Town of Southeast, while the remaining wetlands are regulated by both the Town of Southeast and the NYSDEC. The remaining wetland systems on the property consist of portions of NYSDEC Freshwater Wetlands LC-18 (Class I wetland) and LC-28 (Class II wetland). All the wetlands on the property are also regulated by the US Army Corps of Engineers (ACOE).

Minor permanent encroachments (0.05 acres) into the wetland would occur only at the existing on-site road crossing (improvements at the Barrett Road wetland crossing between Wetlands 4 and 5); otherwise only minor encroachments into the adjacent areas are proposed, with 2.66 acres of disturbance to NYSDEC wetland buffers (which are also regulated by the Town), and 5.79 acres of disturbance to Town-only regulated wetland buffers.

The DEC Adjacent Area (AA) and Town wetland buffer impacts have increased slightly from those impacts depicted in the DEIS, even with the reduction in building coverage. No new structures are proposed within the DEC AA; impacts are due to grading from proposed structures and from improvements to road crossings only. DEC AA impacts increased from 2.44 to 2.66 acres and Town impacts increased from 5.37 to 5.79 acres. These increases in impacts from the DEIS calculations are a result of proposed improvements to the overall site layout that are required to implement the project reduction and modification set forth in the Preferred Alternative Plan, namely building consolidation, as well as the addition of entrance lanes and security gates. Buildings 1 and 2 were consolidated into Building A (adjacent to Pugsley Road) to reduce the total area of building coverage on the site. This created a shorter but wider building. Access to Building B (formerly Buildings 3 and 4) was improved by adding security booths and access gates to the entry point (entering/exiting trucks will be separated from employee vehicles) and by adding a truck turnaround for vehicles that are not granted access to the site. The location of the security booths/gates provides the requested queueing of large trucks within the driveway off of Pugsley Road; the turnaround has been located immediately past the security gates. Mitigation will be provided to compensate for the proposed wetland and wetland Adjacent Area/buffer

impacts. Mitigation is proposed as habitat restoration and enhancement in wetland, wetland buffer, and upland areas. Please see Response 6-7 for mitigation details.

ACOE does not regulate an adjacent area.

The wetland and upland restoration areas are to be monitored for a period of five (5) years from the date of completion of the initial planting, which is to be noted in the initial compliance report. During the 5-year monitoring period, the Environmental Monitor is to inspect the restoration planting areas quarterly during the first two years, and yearly in the subsequent 3 years. The yearly inspections are to be conducted during the growing season, between the dates of June 15 and October 1.

F. Geology, Soils and Topography

The Preferred Alternative Plan's reduction of the project from four (4) buildings to (2) buildings, and from 1,124,575 square feet (s.f.) in the DEIS Plan to 933,100 s.f., constitutes an approximately 17% reduction (of 191,475 s.f.) in the project size, which will further minimize the project's ridgeline impacts. The ridgeline associated with the southernmost buildings (Buildings 1 and 2 in the DEIS and Building A in the FEIS) has 40% less disturbance and 75% fewer trees removed under the Preferred Alternative Plan. The impacts to the northernly ridgeline have been reduced slightly (9% less disturbance and 3% fewer trees removed) under the Preferred Alternative Plan.

The FEIS Preferred Alternative Plan reduces disturbance to steep slopes to 18.8 acres from 22.5 acres for the DEIS plan.

The limitations of the predominant soils onsite, the Paxton and Woodbridge soils, due to slope and/or wetness due to slow permeability of subsoil, will be mitigated by utilizing a skimmer dewatering device in the proposed temporary sediment basins. The skimmer conveys the least sediment laden water from the surface of the basin to the basin's outlet. This allows for the sediment in the water to stay settled at the bottom of the temporary

sediment basin, which will handle sediment in runoff from the site's Paxton/Woodbridge soils.

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

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

G. Groundwater

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

No significant adverse impacts to the bedrock aquifer or watershed are anticipated from the planned groundwater withdrawal. The data indicate that the available groundwater recharge from precipitation is more than sufficient to meet the water demand of the project. Infiltration and recharge of a portion of the water withdrawn back into the groundwater system through the use of an onsite septic system will also reduce the consumptive water withdrawal of the project, further reducing the potential for cumulative aquifer impacts. Two of the site's on-site wells will be utilized for the non-

transient, non-community water-supply for the site.

Testing in connection with the Campus residential project indicated that there is no direct hydraulic interconnection between the Commercial Campus at Fields Corner wells and the Hunters Glen, Twin Brooks and Tilly Foster Farm wells. During the 1992 pumping test program, water levels were measured in eight offsite wells and five onsite monitoring wells to assess the potential for water-level drawdown in other wells near the project site. Included in the offsite wells that were measured were wells at Hunters Glen, Twin Brook and Tilly Foster Farm (called Benedict Farm in the 1992 report). During the 1992 pumping test with the onsite wells pumping at a combined 288 gpm, no drawdown was measured in these three offsite well locations, which indicates there is no direct hydraulic interconnection between the Commercial Campus at Fields Corner wells and the Hunters Glen, Twin Brooks and Tilly Foster Farm wells measured. Even beyond the lack of hydraulic connection to wells for Hunters Glen, Twin Brook, and Tilly Foster Farm, the substantially reduced daily water usage of the project indicates that no drawdown effects or changes in water quality in these wells are anticipated from pumping onsite wells OW-3 or NW-4 at 10.9 gpm to meet the current project's water requirements. This water demand is less than 4% of what was pumped during the 1992 well tests.

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

Hydrodynamic water quality separators will be used to separate any oil accumulated from the parking lots and driveways that may source from small leaks in engines and potential larger spills, prior to flowing to any other stormwater management practice. The separators can store various volumes of oil depending upon the amount of runoff they are designed to treat, and the separators used on the project site will be appropriately sized for the areas that they will be associated with. For example, the hydrodynamic separators in the project's stormwater design range from an oil storage capacity of 210 gallons (which will only be proposed in landbanked parking lot areas where the large trucks will never travel). The next largest sizes used will store 263, 520, 568, 965, 1,172

and 1,309 gallons of oil. The separators will be regularly maintained, and the accumulated oil will be disposed of at a licensed processing facility.

For the foregoing reasons, the project will not adversely impact offsite wells or the watershed.

H. Vegetation and Wildlife

To better define and describe the on-site habitats for amphibians and reptiles, the Mid-Atlantic Center for Herpetology and Conservation (MACHAC) was retained to provide an opinion regarding the suitability of the proposed site for rare amphibian and reptile inhabitation (Appendix 9-2). To be conservative, the Habitat Assessment assessed the entire of the approximately 328 acre property owned by the Applicant, even though the project only involves erecting buildings on the 229 acres that the Applicant owns in the OP-3 District, with some accessory utility work on the proposed Lot I in the RC District.

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

The currently proposed project (Preferred Alternative Plan) proposes “No Build” areas of totaling ±92 acres in the OP-3 District. These areas are located along the western property boundary (±69 acres) and to the north of Barrett Road (±23 acres), as shown on Figure I-5, No Build Areas.

In addition, mitigation measures will be implemented to restore and enhance both wetlands and uplands on the site. As discussed in Response 6-7 in the Surface Water and Wetlands section of the FEIS, a Wetland Mitigation/Habitat Restoration Report has been prepared to detail the mitigation for the proposed project (Appendix 9-1), as well as a Proposed Monitoring and Maintenance of Wetland and Wetland Buffer Mitigation/Restoration Plantings Report (Appendix 6-2).

The area proposed for wetland mitigation (restoration and habitat enhancement), and buffer restoration within the immediate area of the wetland, totals 1.54 acres. This is compensation for the proposed 0.05 acres of wetland impact. Also, upland habitat planting/restoration is proposed outside of the actual wetland buffers, but in close proximity to the wetland corridors, totaling approximately 13 acres. This is in addition to the replanting and restoration of 1.54 acres of wetland and wetland buffer, to mitigate for the 8.45 acres of wetland buffer that is proposed to be impacted by the proposed project.

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

I. Tax Analysis

With the FEIS Preferred Alternative Plan, even with its reduction in the number of proposed buildings from four to two and reduction in building square footage, the market value of the proposed buildings and site improvements indicate that from the period 2019 to 2034 (15 years), the project will have cumulatively paid, with the PILOT program, a total of \$30,902,064 in property taxes, a difference of \$28,240,554 compared with cumulative property taxes paid if the property were to remain undeveloped. The property currently pays approximately \$143,000 for property taxes on undeveloped land.

If the PILOT payments were distributed as property taxes are currently allocated, the regional school system would receive more than \$25,945,000 in new revenue over the first fifteen years. The project will contribute no additional school children to the Brewster Central School District. In addition to the project contributing no additional school children to the Brewster Central School District, it would generate few additional demands for municipal services. As such, it is anticipated that the revenue generated by

the project would easily outweigh the project's demand on municipal services. An analysis of the Town of Southeast's 2018 adopted budget indicated that the per capita cost of providing municipal services is a per capita cost of \$75 per employee. For the proposed development with a total of 1,040 employees over 24-hours, this generates a total annual municipal cost of approximately \$78,000.

The Town of Southeast 2018 budget to be raised by real property taxes is \$3,356,031; for Putnam County \$42,365,491; and for the 2018/19 school year for the Brewster Central School District, \$74,111,529 is to be raised by property taxes (see Response No. 10-20 for the entire school budget). The Applicant's \$2,999,703 in ultimate property taxes paid (see Response No. 10-3, and assuming tax rates remain stable) would account for approximately 3.14% of the combined budgets to be raised by real property taxes, which total \$119,833,051. While perhaps a fraction of these budgets, it is nonetheless a meaningful contribution and a positive impact.

Based on the IMPLAN economic software model, the total output anticipated to be produced by the proposed development is approximately \$73.5 million. Output includes the direct, indirect and induced effects, which are explained in Response 10-9. It represents the annual value of industry production. Approximately \$50 million is a direct effect from the operation of the warehouse/distribution facility. Approximately \$14 million and \$10 million represent the indirect and induced effects generated by the operation of the facility.

At full operation, the project will generate 551 employees during the main shift. In reality, many warehouse/distribution facility users will have 2nd and 3rd shifts, which could substantially increase the total employment generated by the facility, which the Applicant estimates may be 1,040. Thus, the estimate of 551 jobs should be viewed as conservative. In addition, 115 jobs are estimated to be generated indirectly and 78 locally induced jobs are also projected.

During the construction phase, the Applicant estimates that approximately 486 jobs will

be added to the local workforce. Of these construction jobs, approximately \$29,260,649 in income will be paid to these workers. Indirectly, it is estimated that approximately \$9,097,570 will be injected into the local economy from other firms conducting business related to the project. Induced output from spin-off effects (i.e. disposable income spending by project workers and workers associated with the project) will result in approximately \$14,762,730 of economic activity.

In addition to the 486 construction jobs, approximately 56 indirect jobs will be created. These jobs will be at businesses providing goods and services to the project. Approximately 111 induced jobs will also be created, from businesses benefitting from the secondary spending by the project's construction workers.

The Preferred Alternative Plan will therefore provide significant economic benefits to the Town and County.

J. Community Services

No significant changes have been made to community services from the DEIS, other than the increased property taxes described immediately above. Discussions with Chief DeSantis of the Brewster Fire Department confirm that the Department would not need special equipment to handle an emergency at the NILC, and that access to the site and fire truck circulation and turning movements around the buildings are acceptable. Chief DeSantis indicated at a September 2019 meeting with the Applicant that the proposed two lanes in each direction on NY 312 between Pugsley Road and Independent Way will improve emergency vehicle access. The Chief also noted that he appreciated that the developer will permit the Fire Department to utilize the project's proposed water system hydrants to fill their pumper trucks if there is a fire in the vicinity of the project.

The project is not anticipated to place significant additional demands on emergency services. According to the U.S. Bureau of Labor Statistics for the year 2016, the rate of workplace injuries and illnesses was 5.0% of all workers in the Warehousing and Storage

subsector. An injury or illness is considered to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

For the proposed facility with a total of 1,040 employees over three shifts, and 5.0% annual workplace injury or illness, yields a total of 52 workplace injuries annually. Not all of these occurrences would likely require a 911 call, but even if, to be conservative, it is assumed that they all did, 52 EMS calls would be made annually, or approximately 4-5 per month. According to the Brewster Fire Department website, <http://www.brewsterfiredepartment.org/>, 1,703 incidents were responded to through the 8-month period from January 2018 to August 2018. That is an average of 213 calls per month. The addition of 4-5 potential calls a month from the proposed project represents approximately a 2% increase in 911 calls. Again, however, the number of EMT calls actually generated by the project is likely to be lower.

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

As discussed in detail in the Tax Analysis chapter, even with a Payment in Lieu of Taxes (PILOT) agreement, the Applicant would still be paying substantial taxes, which will offset its limited impacts to the community.

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

K. Utilities

Each building under the Preferred Alternative Plan will include a specialized sprinkler system, which is specifically designed for high piled storage occupancies, and which will substantially reduce the amount of water needed in the event of a fire in any building. This sprinkler system, Early Suppression Fast Response (ESFR) sprinklers, are the state-of-the-art and are widely used for warehouse/distribution facilities because they are quick responding, high volume systems that provide exceptional protection for high piled storage occupancies.

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

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

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

In addition, according to NYSEG, currently there is not a gas main in Pugsley Road. A gas main extension is therefore required to serve the site, and NYSEG is investigating thru route for such an extension.

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

L. Cultural Resources

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

M. Noise

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

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

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

- **Density:** The Preferred Alternative is 17% smaller than the DEIS Plan and will generate proportionately less sound in the aggregate.
- **Distance:** Sound dissipates over distance. The Preferred Alternative positions buildings and vehicles nearly one quarter of a mile from all nearby residences. The most dramatic difference was eliminating Building 4, which had been within 600' of Twin Brooks.
- **Line of Sight:** Sound generally travels in waves over a straight line. The Preferred Alternative Plan places loading docks on the building side facing away from the abutting condominium communities and uses the building structure to block sound transmission.
- **Traffic Circulation:** The Preferred Alternative Plan uses a traffic circulation pattern that prevents trucks from circumnavigating the buildings and confines trucks to areas where a building stands between the truck and the abutting condominium communities. Only automobiles will travel to the condo facing side of the buildings.
- **Topography:** The buildings are placed at a higher elevation than the abutting condominium communities and will act as a sound barrier for noise from I-84. Additionally, the Applicant will install a 12' high berm between Building B and the Twin Brook Manor community to provide a high quality, natural visual and sound barrier.
- **Sound Walls:** The Applicant will select quieter equipment and/or install sound walls on all roof top equipment to assure that no more than 46 dBA of sound reaches the closest residences from this equipment, which is 9 dBA lower than the nighttime noise limitation set by the Town Noise Ordinance.
- **Operations:** The Applicant will commit to assuring the Town and residents that New York's anti-idling regulations are followed at all times. Trucks will not be permitted to layover on-site overnight. Tenants and users will be required to install trucker's lounges where drivers can relax while their trucks are being loaded or unloaded, eliminating any need to remain in an idling truck. There will be no sleeping accommodations for drivers on the property.
- **Operating Hours:** The building will operate 24/7/360, but within the industry, the majority of commercial activity occurs during the traditional business day, and is reduced by approximately half during the second (evening) shift. During the third

(night) shift the activity is limited to in-building cleaning, maintenance, repair and restocking activity much like a grocery store prepares for the next business day. Based on truck counts at the Gap Distribution Center in Fishkill and at the Matrix Distribution Center in Newburgh, truck traffic is concentrated to the first shift, tapering into the second shift. The vast majority of trucks will not be making deliveries between the hours of 11:00 PM to 7:00 AM in normal operations. The access to the buildings will be controlled by gates providing controlled access to further prevent unnecessary truck access to the property.

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

N. Construction

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

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

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

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

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

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

The project will be phased. Work will commence for Phase I with the site work associated with Building A, followed by the construction of this building. Subsequently, Phase 2 site work will be completed followed by construction of Building B. However, should a client prefer Building B, work would commence on Phase 2 first.

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

O. Air Quality

Like most warehouse/distribution facilities, the Commercial Campus at Fields Corner will have strict anti-idling policies, which each individual tenant's warehouse manager is charged with enforcing. If a truck driver is idling at a facility, the shipping and receiving supervisor will tell them to shut off. A driver's lounge will be provided, which will have a

separate entrance from the warehouse, and the drivers will not be permitted into the warehouse. Outlets are to be provided at each building so that truck's engine warmers can be plugged in during the coldest winter weather, rather than having their engines running for any extended period of time.

As a matter of practice, warehouse/distribution facilities do not provide an overnight facility and truck drivers are not permitted to sleep overnight in their trucks at warehouse/distribution facilities. The Applicant is willing to consent to the imposition, as a condition of Special Permit approval, of restrictions against overnight facilities or overnight sleeping at the Preferred Alternative.

The bottom line is that air quality, with the exception of ozone, which is just below the standard, is excellent, and is improving. The project's contribution to regional air emissions will be quite small.

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

P. Hazardous Materials

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

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

sized for the areas that they will be associated with. For example, the hydrodynamic separators in the project's stormwater design range from an oil storage capacity of 210 gallons (which will only be proposed in landbanked parking lot areas where the large trucks will never travel). The next largest sizes used will store 263, 520, 568, 965, 1,172 and 1,309 gallons of oil. The separators will be regularly maintained, and the accumulated oil will be disposed of at a licensed processing facility.

Therefore, hazardous materials will have no significant impact on the property.

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