

III.18 Alternatives

Comment No. 18-1

The FEIS should consider an alternative that shifts the buildings so that the peaks of the ridgelines could be preserved.

(B-1, AKRF)

RIDGELINES:

As per our Town Planner:

'The FEIS should consider an alternative that shifts the buildings so that the peaks of the ridgelines could be preserved'.

(B-147, Lynne Eckardt)

Response No. 18-1

The Applicant proposes in the FEIS Preferred Alternative Plan a reduction of the project from four (4) buildings to (2) buildings, and from 1,124,575 square feet (s.f.) in the DEIS Plan to 933,100 s.f., which constitutes an approximately 17% reduction (of 191,475 s.f.) in the project size, which will further minimize the project's ridgeline impacts. The Preferred Alternative Plan also shifts the combined Building A (formerly Buildings 1 and 2) further away from Route 312 and off the ridgeline, and the combined Building B (formerly Buildings 3 & 4) further away from Twin Brook Manor. As a result, the ridgeline associated with the southernmost buildings (Buildings 1 and 2 in the DEIS and Building A in the FEIS) has 40% less disturbance and 75% fewer trees removed under the Preferred Alternative Plan. The impacts to the northerly ridgeline in connection with Building B have been reduced slightly (9% less disturbance and 3% fewer trees removed) under the Preferred Alternative Plan.

Consequently, the Preferred Alternative Plan proposes to construct Building A below the top of the ridgeline, which is proposed to remain, and Building B is to be

constructed at the top of the ridgeline, but below the existing grades. This reduces the buildings' visibility along the ridgeline, and, as a result, the project is minimally visible off-site.

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

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

The project complies with the Town Code's prohibition against "excessive clearing" on ridgelines. (See Town Code § 138-12(I).) The second part of the ridgeline protection statute prohibits excessive clearing of any ridgeline area to be permitted for the purpose of site access, site landscaping, installation of subsurface sewage

disposal systems, or any other modification to the natural land. Accordingly, the Code provides criteria relative to the number of trees that can be removed without “excessive clearing.” The term “excessive clearing,” pursuant to the Town Code, means the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed. The Applicant will preserve existing trees within the ridgeline and adjacent areas where practicable. The Applicant will be removing trees at a ratio substantially below the maximum number of trees permitted to be removed by the Town Code (see Figures III.5-12 and Figures III.5-13). The percentage of trees to be removed to trees permitted to be removed for the Preferred Alternative Plan is 12% for the ridgeline associated with Building A and 15% for the ridgeline for the ridgeline associated with Building B – that is to say, the Applicant is proposing to remove less than a fifth (1/5) of the trees on ridgelines allowed by the Town Code.

Comment No. 18-2

The FEIS should consider an alternative that shifts the parking and loading areas to front on Pugsley Road so that the proposed buildings provide a buffer between the trucks and the Hunters Glen and Twin Brooks developments.

(B-1, AKRF)

Response No. 18-2

The Preferred Alternative Plan has both buildings facing away from the residences, and towards Pugsley Road (Figure I-3). Trucks will no longer be able to circulate around the buildings, with only employee parking situated on the side facing Hunter’s Glen. These conditions help to reduce potential noise impacts for Hunter’s Glen. In addition, trucking activity is concentrated on the side of the buildings facing away from Hunters Glen and Twin Brook Manor, with the buildings acting as a sound barrier to these communities.

Comment No. 18-3

In addition to resolving the above errors and inconsistencies, Riverkeeper recommends that the Applicant evaluate the following alternatives in a supplemental DEIS:

- 1) A range of lower-impact, smaller-build alternatives. This should include alternative actions that result in the creation of a smaller footprint, less overall site disturbance, and/or reduced impervious coverage compared to the proposed action.*

(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 18-3

For the Preferred Alternative Plan, total proposed impervious area is 48.4 acres, a reduction of 8.8 acres from the DEIS Plan which had an impervious area of 57.2 acres. The majority of the proposed site disturbance is located within the former farm fields. Sixty-one percent of the OP-3 portion of the Applicant's property (approximately 139.4 acres) will remain completely undisturbed throughout the development process.

The area of disturbance has been reduced from 133.2 acres in the DEIS Plan to 114.7 acres in the Preferred Alternative Plan.

The total building footprint has been reduced from 1,124,575 s.f. for the DEIS Plan to 933,100 s.f. for the Preferred Alternative Plan.

Impacts to wetlands 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).

Under the Preferred Alternative Plan, Town-defined open space comprises approximately 80% of the approximately 229 acre OP-3 portion of the Applicant's property, approximately 75% more than the required 45% open space under the Town Code. This does not include the 99 acre portion of the overall site that is to remain within the RC District, on which no buildings are proposed. The Applicant is willing to commit approximately 92 acres as permanent "no build areas" within the 229 acres of OP-3 zoned portion of the Applicant's property.

Comment No. 18-4

2) *An alternative that avoids all direct impacts to on-site watercourses, wetlands, and associated buffer areas. At least one alternative should be considered that avoids of all watercourses, wetlands, and buffer areas impacts on the project site.*

(B-78, Pace Environmental Litigation Clinic, Inc.)

Response No. 18-4

Improvements within the wetland areas and associated buffers along Barrett Road cannot be avoided since the wetland boundaries extend to the edge of the existing road and the road needs to be widened to accommodate two-way traffic. The road improvement was previously permitted by the ACOE in association with the approved residential/commercial project. The current project reduces the wetland impact from 0.11 acre with the previously approved project to 0.05 acre by constructing retaining walls to minimize the disturbance. The widening of the road will occur entirely on

the south side of Barrett Road as requested by NYSDEC and the existing invasive species will be removed in the area and replaced with native plant material. As discussed in the DEIS, the current project has substantially less disturbance of existing wetland buffers (NYSDEC and Town) as compared to the previously approved development. The current project has approximately 8.45 acres of buffer disturbance as compared to the approved project, which has approximately 24.57 acres of wetland buffer disturbance. Most of the currently proposed disturbance will be temporary disturbances for grading and will remain pervious upon completion of the project.

Comment No. 18-5

*What are the alternative choices and possibilities of development for this property?
(B-118, Cherie Ingraham)*

Response No. 18-5

The Preferred Alternative Plan offers a reduction of the proposed development presented in the DEIS, as described in Responses Nos. 18-1 and 18-3.

Three other alternative possibilities were presented in the DEIS, Section IV. Alternatives. One was the previously approved project with 143 single-family homes and 237,000 square feet of office/commercial space on 185.2 acres compared with 328 acres of the proposed project. If the Phase 2 portion of the project, which consisted of 823,000 s.f. of remaining commercial/office space plus a 300 room hotel component, had been approved/constructed on the remaining portion of the site, the environmental impacts would have been significantly greater.

Another alternative possibility presented in the DEIS was 240,000 s.f. of medical office in a 2-story building with surface parking, as well as 200,000 s.f. of retail in a 1-story building with surface parking. Additionally, two indoor recreation buildings were

proposed with surface parking, one 90,000 square feet and the other 120,000 square feet, along with three outdoor recreational turf fields.

As stated in the DEIS, permitted principal uses in each district are as follows:

OP-3 District:

- Bed-and-breakfast/country inn
- Equestrian center
- Farm use
- Offices
- Personal services
- Professional services
- Residential, including single-family detached and single-family attached
- Theater/performing arts

RC District:

- Craft workshop
- Nursery
- Office
- Restaurant
- Recreation
- Kennel

Permitted **accessory uses** in each district are as follows:

OP-3 District:

- Outside storage
- Private utilities

RC District:

- Outside storage
- Private utilities
- Restaurant
- Retail
- Personal services
- Professional services

Permitted **special permit uses** in each district are as follows:

OP-3 District:

- Hotel/motel/conference facility
- Kennels and animal hospitals
- Light manufacturing
- Public utilities
- Senior housing

RC District:

- Cemetery
- Hotel/motel/conference center
- Kennels and animal hospitals
- Public utilities
- Senior housing
- Research labs
- Wood mill

Permitted **conditional uses** in each district are as follows:

OP-3 District:

- Recreation

- Research labs
- Retail
- Restaurant
- Telecommunications towers and facilities

RC District:

- Bed-and-breakfast/country inn
- Equestrian center
- Farm use
- Telecommunications towers and facilities

Comment No. 18-6

But if they don't do the housing, but they continue down a path of the commercial, the applicant said at one point they could do 2.5 million square feet of potential under the current zoning. That's almost double – two and a half times what they're doing now. And I didn't think that was a proper answer. I don't think that's real. I think there's a number there less than that, and I think I'd like to see what that real number is under the current zoning, just so we understand what the level playing field is here; that if you don't get your change of zoning here, you have the ability to build your houses with the commercial. But if you don't want to go down that path, you still have - - the current zoning allows you to do certain things. And I think that 2.5 was thrown out there. I'd like a better understanding so I can compare apples to apples.

(B-145, Hearing No. 3 (Mr. LaPerch))

Response No. 18-6

It is difficult to quantify a specific maximum square footage other than the maximum permitted by zoning because of the wide variety of development options of various land uses, number of building stories, parking requirements, the use of structured

parking, etc., based on the Town's Zoning Code, which could result in additional development potential above the current proposal.

The previously approved residential/commercial project which consists of approximately 999,410 s.f. was located primarily in the 185 acre portion of the site associated with Buildings 3 and 4 of the DEIS Plan. Development of the remainder of the property, primarily in the area associated with Buildings 1 and 2 of the DEIS Plan, would result in substantial building square footage above the 999,410 s.f. Alternative C included in the DEIS showed a one story retail building with 200,000 s.f. in that portion of the site. Rather than a one story retail building, that portion of the site could be developed with a multistory office, retail or other uses, with structured parking, yielding substantially higher building square footages.

The property is large and can be used in a number of ways. The former analysis of residential mixed use suggests density approaching two million square feet. A corporate headquarters of over two million square feet could be constructed using structured parking and three stories. Other alternatives may generate comparable density but add far more traffic like sports, entertainment, etc. Retail and medical office (4-5 spaces/1000 sf) have smaller footprints but rely on traffic often using parking spaces multiple times. The selection of the Preferred Alternative Plan for a warehouse/distribution facility took into account achievable densities based on use, traffic impacts generated by the use and other potential impacts in the various impact areas assessed in the DEIS and this FEIS. The A. The Applicant concluded that the reduced density warehouse/distribution facility was the most effective compromise of square footage density, traffic generation and other potential environmental impacts.

Comment No. 18-7

Comments No. 2-5 request various changes to the position/configuration of the proposed buildings on the site to provide greater separation from Twin Brook Manor.

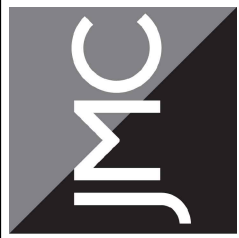
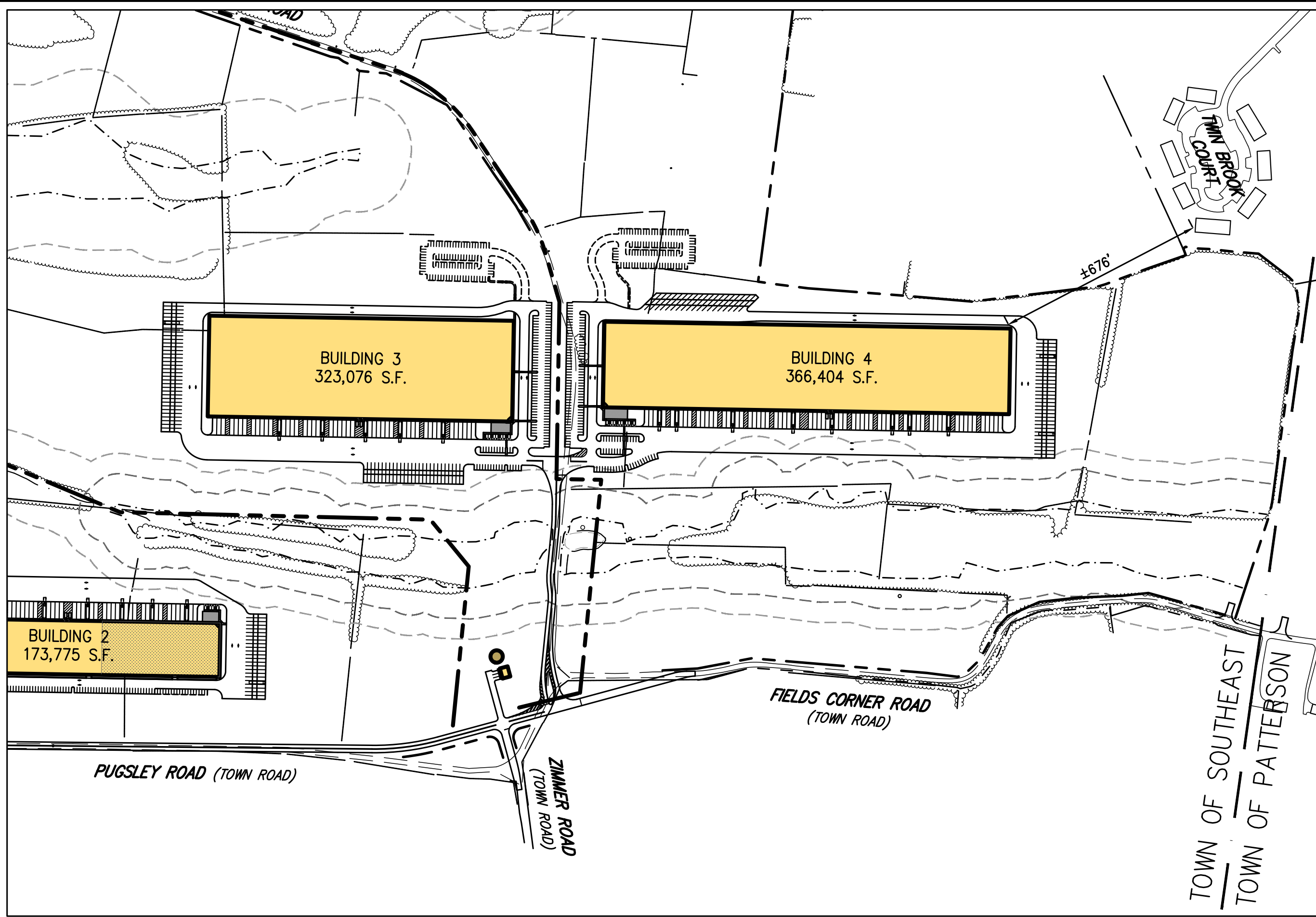
Response No. 18-7

a. Combining Buildings 1 & 2, and Buildings 3 & 4

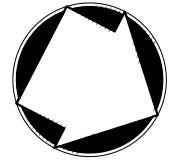
The FEIS Alternative Plan, with two proposed buildings instead of four, accomplishes the objective of this alternative by providing a separation to Twin Brook Manor of approximately 1,210 feet versus the approximately 600 feet of the DEIS Plan.

b. Positioning Building 4 Closer to Building 3

As with the above response, the FEIS Alternative Plan accomplishes the objective of this alternative by combining Buildings 3 and 4 into Building B and thereby providing a separation to Twin Brook Manor of approximately 1,210 feet versus the approximately 600 feet of the DEIS Plan.



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NY 312 & PUGSLEY ROAD
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COMMERCIAL CAMPUS AT FIELDS CORNER

ALTERNATIVE: BUILDING 4 POSITIONED CLOSER TO BUILDING 3

JMC PROJECT: 14012

DATE: 03/2019

SCALE: 1" = 300'

FIGURE: III.18 - 1

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14012-LS-SHIFT BLDG 4.dwg; LS-FIGURE.tab; LS-LAY_1.scr