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February 3, 2021

Honorable Chairman Thomas LaPerch
and Members of the Planning Board
Town of Southeast
1 Main Street
Brewster, New York 10509

RE: Comments to Commercial Campus at Fields Corners f/k/a Northeast
Interstate Logistics Center proposal by
Hunter's Glen Master Association

Dear Hon. Chairman LaPerch and
Members of the Planning Board:

As you are aware, we are the attorneys for Hunter's Glen Master Association ("Hunter's Glen"). As previously stated in our letter to this Board dated January 25, 2021 ("January 25th Letter"), Hunter's Glen directly abuts the proposed development, and as such, Hunter's Glen has a significant interest in the thorough review of the proposed development and concerns with the proposed development's impact on Hunter's Glen. These concerns were detailed in the numerous comments at the previous Town Board meetings, the January 25th Letter and at the Planning Board meeting on January 25, 2021. Hunter's Glens' most recent concerns focused on the Developer's post-FEIS change in the project to expand the truck loading bays to the north and south sides of "Building B."

Please note, however, that since the submission of the January 25th Letter, we have learned that the Developer has changed the project to restrict the truck loading bays to be on the eastern sides of "Building A" and "Building B" only. Therefore, Hunter's Glen respectfully requests that if the development is approved that a condition of approval be included to permanently restrict the locations for truck loading bays to be on the eastern sides of "Building B" and "Building A" only.

It is also requested that the Planning Board review and incorporate the suggested conditions detailed in the attached letter from our firm dated November 13, 2020 ("November 13th Letter") to address the concerns of Hunter's Glen. It is important that any approvals contain those necessary safeguards to ensure that the project is developed and maintained not only in accordance with the approved plans, but in a manner that limits any negative impacts of the proposed development on Hunter's Glen.

Specifically, and in addition to the conditions requested in the November 13th Letter, we continue to request that the following condition of approval with respect to noise be included in any approvals issued for the proposed development.

Noise: It is requested that any approval include the following conditions regarding noise:

- a. Noise from the proposed development shall not at any time exceed the current ambient noise levels at the Hunter's Glen property line.
- b. A testing report establishing the current ambient levels at the Hunter's Glen property line shall be obtained prior to any work commencing.
- c. Developer is required to repair or baffle any noise generating source that results in noise exceeding the ambient levels established at the Hunter's Glen property line.
- d. Solid fencing is to be placed at any location where delivery trucks may operate at the proposed development and the building is not located entirely between such location and Hunter's Glen.

Hunter's Glen is also still concerned about the visual impacts of the project. In furtherance thereof Hunter's Glen respectfully requests that the Planning Board require the Developer to include with the visual representations of the proposed landscaping and other methods of screening views of the development, viewpoints from the following locations in Hunter's Glen:

- 1) Views from homes along Chestnut Drive;
- 2) Views from homes along Buttonwood Lane;
- 3) Views from homes along Hickory Hollow Lane
- 4) Views from homes along Bayberry Court; and
- 5) Views from homes along Applewood Circle between 5501 to 6204.

The viewpoints shall include but not be limited to the homes on each above listed street that are closest to the development.

As we were not made aware of the change to expand the truck loading bays and only were able to discover this change by our own diligent plan review, we respectfully request that the Developer be required to notify Hunter's Glen of any future changes to the project. We further request that such notification be in writing and include a detailed list of any changes made with a copy of the plans. Such notice shall be made on the same day that any changed plans are filed with the Town. In furtherance thereof we also renew our request that Developer be required to provide a detailed list of all of the changes made to the project since the FEIS was adopted.

Thank you for your consideration.

Respectfully submitted,
Snyder & Snyder, LLP

By: 
Robert D. Gaudio

Enclosures

RDG/djk

cc: Town Board

Hunter's Glen

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REPLY TO:

Tarrytown office

November 13, 2020

Honorable Supervisor Tony Hay
and Members of the Town Board
Town of Southeast
1 Main Street
Brewster, New York 10509

RE: Comments to Commercial Campus at Fields Corners f/k/a Northeast
Interstate Logistics Center proposal by
Hunters Glen Master Association

Dear Hon. Supervisor Hay and
Members of the Planning Board:

We are the attorneys for Hunters Glen Master Association ("Hunters Glen") and write to provide comments to the latest proposal in connection with the above captioned matter.

As you are aware Hunters Glen is a condominium community with 382 homes and approximately 1100 residents of the Town of Southeast. Hunters Glen directly abuts the proposed development. In fact, numerous residences and its water supply lands are in extremely close proximity to the west of the proposed development. As such, Hunters Glen has a significant interest in the thorough review of the proposed development and is opposed to the project in its current form.

As detailed in numerous comments at this Board's November 5, 2020 meeting, there are several aspects of the proposed development that cause great concern to the residents of Hunters Glen. It is requested that this Honorable Board deny the application for the proposed development or, in the alternative, approve with the following requested conditions that will help to limit the negative impact of the proposed development on Hunters Glen. Importantly, without the following conditions, there is no way for this Honorable Board to ensure that the proposed development will remain as reviewed and approved, including any Site Plan, Special Permit and/or within the parameters of the SEQRA Findings Statement.

1. Condition No-Build Zone: Hunters Glen requests the following conditions regarding the no build zone indicated in the developer's presentation materials:
 - a. The no build zone should be left entirely in its natural state. No use, structures, stormwater management practices, or removal of existing vegetation whatsoever.


- b. A second zone, a limited disturbance zone, should be established in those areas where the stormwater management practices are proposed, allowing only for those stormwater management practices.
 - c. A Conservation Easement must be established by the developer subject to our review prior to Town approval, covering both the no build zone and limited disturbance zone, incorporating all necessary covenants and restrictions. The Conservation Easement must provide that Hunters Glen shall be entitled to enforce any of the covenants and restrictions noted therein.
 - d. The Conservation Easement must be recorded prior to issuance of a building permit.
2. **Lighting**: It is requested that any approval include a condition that there shall be no lit signage facing Hunters Glen or visible from Hunters Glen.
3. **Height**: It is requested that any approval include a condition that the height of the building and the height of any roof mounted equipment is restricted to what is proposed at this time.
4. **Color**: It is requested that any approval include a condition limiting the colors to those proposed to ensure only natural landscape colors are used now and in the future.
5. **Roof top equipment**: It is requested that any approval include a condition that any roof top equipment be enclosed and screened.
6. **Noise**: It is requested that any approval include the following conditions regarding noise:
 - a. Noise from the proposed development shall not at any time exceed the current ambient noise levels at the Hunters Glen property line.
 - b. A testing report establishing the current ambient levels at the Hunters Glen property line shall be obtained prior to any work commencing.
 - c. Developer is required to repair or baffle any noise generating source that results in noise exceeding the ambient levels established at the Hunters Glen property line.
 - d. Solid fencing is to be placed at any location where delivery trucks may operate at the proposed development and the building is not located entirely between such location and Hunters Glen.
7. **Hours of Construction and Operations**: It is requested that any approval include the following conditions limiting the hours and days of construction, construction timeline and hours of operation at the proposed development:
 - a. The hours of construction shall be 9:00 am to 5:00 pm on weekdays and prohibited on holidays and weekends.
 - b. The hours of operation for the delivery trucks at the proposed development shall be from 9am to 6pm Monday through Friday and 10am to 5pm on Saturday. Delivery trucks shall be prohibited from operating at the proposed development on Sundays and holidays.
8. **Landscaping**: It is requested that any approval include a condition that the developer provide Hunters Glen with \$75,000 in a cash fund for Hunters Glen to use in its sole discretion to retain a landscape architect and install and maintain landscaping on the Hunters Glen property. The developer will have no responsibility to design, install or maintain this landscaping.

9. Traffic: It is requested that any approval include a condition that in the event traffic exceeds what has been presented to the Town in connection with the approval of the proposed development, the developer, or its successor[s] in interest, work with the Town and reduce traffic levels to the previously approved levels.
10. Water usage: It is requested that any approval include a condition that to the extent the residents of Hunters Glen provide evidence that the proposed development has negatively impacted the water supply for Hunters Glen, the developer, or its successor[s] in interest, must immediately cease causing such impacts.
11. Blasting and Chipping: It is requested that any approval include a condition that, to the extent there is any blasting or chipping required for the proposal, a blasting plan be required before the issuance of a building permit, including a full survey of the Hunters Glen development and that all necessary bonds should be in place in the event any damage is caused.
12. Extermination: It is requested that any approval include a condition that a bond be posted by the developer and a process put in place whereby if Hunters Glen experiences vermin that the developer will immediately retain an exterminator to rectify the situation, or Hunters Glen may use the bond to do so itself.
13. Compliance Statements and Special Permit Renewal: It is requested that any approval include a condition that annual compliance statements must be submitted to the Town confirming compliance with the aforementioned conditions of approval such as lighting, noise, traffic, no activity in the no build zone, that only approved stormwater water management practices, which are properly maintained, have been installed in the limited disturbance zone, and all other conditions of the Town approvals and that any permits be renewed every 2 years.

As note above, it is requested that the Town Board deny the application. In the event that the Town Board approves the proposed development, it is requested that the Town Board review and incorporate the requested conditions detailed above into any approval resolution. As stated above, it is important that any approvals from the Town Board contain those necessary safeguards to ensure that the project is developed and maintained not only in accordance with the approved plans, but in a manner that limits any negative impacts of the proposed development on Hunters Glen.

Thank you for your consideration.

Respectfully submitted,
Snyder & Snyder, LLP

By: 
Robert D. Gaudioso

DG/dac

cc: Planning Board
Architectural Review Board
Hunters Glen

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