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# **PROJECT DESCRIPTION**

## **Chapter One**

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### A. Introduction

The Crossroads 312 Project is a Zone Change, Site Plan, Special Permit proposal made to the Town Board of the Town of Southeast. The applicant, Crossroads 312, LLC and JPH Development Corp. seeks a zone change from RC to HC-1, Site Plan and Special Permit approvals to construct mixed use commercial proposal on a 51.88± acre site sitting adjacent to interchange 19 at the I-84/NYS Route 312 intersection. A Zone Change Petition together with Site Plans and an application for Special Permit approvals have been filed with the Town Board. The Town Board of the Town of Southeast has declared themselves Lead Agency for the purpose of SEQRA review with no objections raised during circulation of the notice. The Town Board determined the project to be a Type I action and subsequently conducted a SEQRA Scoping Session. This Draft Environmental Impact Statement (DEIS) is the result of the approved Scoping Document.

The applicant desires to construct an economically viable and successful mixed use retail/commercial development at a highway intersection, exit 19 on I-84, identified in the Town Comprehensive Plans as node for economic activity. During the past 5 years, economic activity throughout the region has stagnated. Public and private sector jobs have been lost and Town, County, School District budgets have been under strain. Job creation and tax generation are needed, in the applicant's opinion.

The last major retail/commercial project constructed in the Town of Southeast was the "Highlands" of approximately 380,000 SF± located at the Eastbound, ramp at the I-84 and NYS Route 312 intersection in 2001. Some smaller retail buildings and a few light industrial/warehouse buildings and/or additions have been constructed in the past 10 years but little recently. Simultaneously, businesses have been leaving the region including: Watson Pharmaceutical and Guideposts and Dynacept.

For the applicant, in this difficult economic environment, it is important to present a plan which will be competitive in the market place and be financially responsible to construct and maintain. This means the applicant must find tenants who have a very strong credit rating and balance construction costs with potential rental income. Banks will not finance projects unless the projects are backed by impeccable financial statements, have owner equity committed and will produce revenue above construction costs sufficient to cover a mortgage, taxes and expenses.

The sponsor views this development as a regional project due to its location along Route I-84. It will certainly attract shoppers from nearby locations, but the highway system will allow people going to and coming from greater distances to shop, eat, or possibly stay overnight at this location. The highway location will tend to attract national and regional businesses as tenants. Many of the national and regional retail, restaurant and hospitality groups have excellent credit and would draw, in the applicant's opinion, customers to the site. The Town of Southeast recognized the importance of the intersection, for these reasons, in the Comprehensive Plan.

The applicant feels the development of the property as proposed can provide reasonable economic return for the development group as well as job opportunities both during construction and during operation. The applicant believes the proposal will create short and long term tax revenues for the State, County, Town, Fire District and School District.

To accomplish these objectives, the applicant is proposing to change the zoning designation of the property from RC to HC-1. The HC-1 zoning district will allow retail development of the property while maintaining design guidelines for "Large Retail establishments" or "Large Retail" to provide appropriate buffers, pedestrian friendly elements, and landscaping. As further discussed in Chapter 2, while there are some dimensional differences between RC and HC-1 zones, as a 'Large Retail' development, the proposal would be limited to the same Building Area, Floor Area Ratio and Total Coverage as the existing RC zone. The applicant is proposing the Town Board be given Site Plan approval authority to review and approve all 'Large Retail' developments in the Town and to permit disturbance in ridgeline areas.

The purpose of the proposed project is to develop an economically viable and successful mixed use retail/commercial development at a highway intersection identified in the Town Comprehensive Plans as a node for economic activity, thereby bringing increased tax revenues and employment opportunities to the Town. The applicant feels the need for the zoning change is borne out of the limited number of financially viable commercial uses permitted pursuant to the existing RC zoning designation which include uses such as offices, bed-and-breakfasts establishments, country inns, hotels, and farms.

A zone change to the existing HC-1 Zone, a zone formerly designated on this property, will allow retail use. As part of Alternative 3, the applicant is requesting the Town consider modifying the text of the HC-1 Zone to allow hotels up to four stories tall. Presently hotels are not included as permitted or special permit uses in the HC-1 Zone. The primary proposal stated in the DEIS will consider the use of the site under existing HC-1 allowed uses: restaurant (permitted), office (permitted), personal services (permitted), professional services (permitted), retail (special permit), "Large Retail" (Special Permit).

## B. Project Description

The Site Plan Application had previously requested a zone change to a new zone and requested approval for a, 200,000 SF± seven story, 200 room hotel and a multi story mixed use retail/restaurant complex of 314,700 SF± of space on two main levels, see Map #3 entitled “Proposal Withdrawn”. Following discussions with Town Board and Town consulting staff members at meetings in Town Hall, and at the Town Planner’s office, the applicant concluded his request for a new zone district, called HC-1A and, the proposed level of development was not finding support. The applicant has modified the request and is now asking the town to change the Zone from the RC to and of HC-1. HC-1 is an existing Zone which allows as a permitted or Special Permit use, all of the uses desired by the applicant but, for Hotels. The applicant has developed a new Site Plan here, in referred to as the plan or the primary plan which proposes a reduced level of development of 186,000± of large retail, office, restaurant, personal and professional service uses, all the proposed uses are consistent with the requirements of the HC-1 zone. The project would be subject to “Large Retail establishment” requirements of Section 138-63.4. The project would also conform to Section 138-15.1 A&B, manufactured slopes and retaining walls. The primary plan has reduced proposed floor area 64% from that depicted in the Withdrawn Proposal, see Maps #4 and #9.

Traffic mitigation measures are proposed for the intersection of I-84 and NYS Route 312 including lane widening and signal installation or upgrades. Improvements are also proposed at North Brewster Road and Route 312 where a traffic signal is suggested to improve existing conditions. The Applebee’s and Home Depot driveway intersection on Independent Way is considered for a new traffic signal to improve existing conditions. The Route 312 and Route 6 intersection is also suggested for improvement, See Traffic Chapter #11.

During preparation of the DEIS, discussions with prospective tenants has continued; the applicant is submitting site plans which, the applicant believes are an accurate reflection of present market conditions, see Map #9 Preliminary Site Plan.

### 1. Location and Definition

The site is 51.88± acres in size and is located in a RC (Rural Commercial) Zone in the Town of Southeast. The southeast quadrant of the intersection of Route I-84 and NYS Route 312 is occupied by the property, see Map #2, Highway Location Plan.

It is known as:

Tax Lot 45.2-52 295 Route 312, Brewster, NY, 21.20 acres±  
Tax Lot 45.2-53 265 Route 312, Brewster, NY, 1.00 acres±  
Tax Lot 45.2-54 257 Route 312, Brewster, NY, 1.15 acres±  
Tax Lot 45.2-55 247 Route 312, Brewster, NY, 20.15 acres±  
Tax Lot 45.2-56 237 Route 312, Brewster, NY, 8.40 acres±

These tax lots are shown on attached Map #5, Neighborhood Context.

Route I-84 has 1,800± feet of frontage on the southern side of the site; NYS Route 312 has 2,200± feet of frontage on the northwest side of the site. Metro North has a rail line extending 3,000± feet fronting on the east side of the site. The site abuts a single family residence Zoned ED - Economic Development on the north side of the site, see Map#8. On the opposite side of the rail line, to the east, NYSDEC Wetland BR-18 exists, see Map #4, #8, and #42.

The site is sloped in all directions from an elevation of 660'± in the northwest portion of the site, the high point. The lowest elevation of the site is in the range of 450' ± along the property border adjacent to the Metro North Rail Line, see Map #11, Existing Conditions.

The site is primarily wooded with the third or fourth growth vegetation, a mixture of oak, birch, and maple. The site is the home of a wood processing business which occupies a three± acre area for the business activities. The site has been harvested for timber continually over many years.

Small areas of wetlands have been identified on the property in close proximity to the rail line and BR-18. Wetland boundaries were confirmed with the Town Staff, NYSDEC Staff and the Army Corps of Engineers. Staff of the New York City Department of Environmental Protection (NYCDEP) confirmed the lack of watercourses on the site. No direct wetland disturbances are proposed, see Chapter #9. A small portion of the site, adjacent to the railroad track is within a 100 year floodplain; no site changes or impacts in that area are proposed, see Map #10.

## 2. Project Description

The project has been conceived as a mixed use retail complex. Access is proposed from NYS Route 312, an arterial road connecting NYS Route 22, on the east, with Route 6 near the Town Line with Carmel on the west. The area of the intersection I-84 and NYS Route 312 is developed with commercial properties. Brewster Highlands, a 380,000 SF± mixed use retail/commercial development is located in the southwest quadrant of the intersection along with a medical office building called Southeast Executive Park. Terravest Corporate Park (Terravest) sits opposite the proposed site with access to NYS Route 312 via International Boulevard and Zimmer Road. Terravest Corporate Park (Terravest) has over 540,000 SF± of existing buildings and is master planned for an additional 150,000 SF± of space, see Maps #8 and #12.

A privately owned tertiary wastewater treatment facility (WWTF) with capacity for approximately 52,000± gallons of flow per day services uses within Terravest. The Terravest WWTF has the capacity to serve Crossroads 312, see Chapter #10 and Map #43. Private water supply wells exist within the Terravest Corporate Park (Terravest) which provide water to a 500,000+/- gallon fire protection water tank. The water tank and pump system will be refurbished and water lines for both fire protection and potable water services will be extended to the site, see Chapter #12 and Map #46.

Vehicular access is proposed at two locations on Route 312. The primary access point will be opposite the westbound I-84 exit and entry ramp where traffic signal will be upgraded. Additional traffic lanes will be added at the intersection. The second point of access will be located approximately 580' northeast on Route 312 at the presently signalized intersection of International Boulevard. The two points of access/exit will be connected via an internal site loop driveway. The existing traffic signal for Terravest Corporate Park (Terravest) at International Boulevard will also be upgraded. Improvements will be proposed to the I-84 eastbound intersection with Route 312, see Traffic Chapter #11. Members of the Town Board had thoughtfully questioned the traffic impacts of the developer's initial proposal. The proposed plan reduces the size of the retail portion of development by 40% and eliminates the proposal for a 200 room hotel. A single level development comprised of a 93,000 SF± bank, 87,000 SF± free standing restaurant and 176,000 SF± retail personal or professional services is proposed, for a total development of 186,000 SF±, to meet the requirements of Section 138-63.4, at least 25% of the parking will be made of porous paving.

The other traffic flow improvements are proposed to not only mitigate immediate traffic increases caused by this project, but to improve existing conditions which cause travelers frustration. These additional improvements include:

1. A traffic signal at North Brewster Road and Route 312;
2. A traffic signal on Independent Way at the existing driveway intersection of Applebee's and Home Depot;
3. Modifications to the signal and lane configuration of Route 6 and Route 312; see Chapter #11 for further details.

The site work proposed is a balance of cut and fill at approximately 400,000+/- cubic yards of cut and 400,000+/- cubic yards of fill. Cut slopes will be a maximum of 2 to 1. Areas of fill will be graded from 3 on 1 slopes to 2 on 1 slopes. Retaining walls will be a maximum of 10' tall, see Illustrations #18 and #19. Some top soil will likely be imported.

Stormwater management basins are proposed at the extreme north and south ends of the property. Stormwater will be contained and treated to meet present regulatory requirements and include all "Best Management Practices." Areas of stormwater will be treated with various practices such as rain gardens and sand filters. Porous paving will be utilized in parking areas. Ultimately, a treatment system is to be created to reduce pollutants in stormwater to meet all regulatory requirements. Sufficient area has been designated into the storm basins to treat and detain stormwater, is provided, see Chapter #10.

The shopping center will likely have normal hours of operation seven days per week. Some facilities may open as early as 8:00 a.m. and some may close as late as 11:00 p.m.

The applicant proposes to construct all on-site development improvements privately. Likewise, site development improvements such as off-site utility extensions and traffic improvements are to be privately financed based. No public financing or tax credits or abatements are proposed.

The project sponsor proposes to create a graded area for four structures, a 148,000+/- sf retail building, a 7,000 +/- sf restaurant, a 3,000 +/- sf bank and a 28,000 +/- sf retail building, respectively designated: A, B, C, D., see Map # 9.

The project would be subject to zoning section 138-63.4, a special zoning section related to "large retail" developments. This zoning section demands more stringent requirements for site and building design, if a retail type project is larger than 50,000 sf of building area, than does the normal zoning code. For example, the allowed total floor area of all buildings is reduced from .3 to .15 (.15 matches the floor area allowed under the RC zone). A 75' front yard Environmental Conservation Buffer is required as opposed to a normal building and parking setback. Twenty five percent of the parking is required to be composed of a porous type paving. The buildings are required to incorporate specific design elements to improve their appearance.

The primary proposal depicts a site disturbance of 31 +/- acres; a decrease of 10 +/- acres from the withdrawn proposal. Approximately 16 acres of the site will be impervious surfaces, either buildings or paving, 30% of the site. The RC and HC-1 regulations would allow 45% or 23 acres. Of the amount of land disturbed, about nine acres are devoted to stormwater control and associated grading.

Parking for the primary proposal and, all alternates found in Chapter 16, is provided per the zoning code. The Town zoning code requires one space for each 250 sf of building space for office and retail use. Restaurants are required to provide parking at a rate of one space per 50 sf of area devoted to the customer (assumed for most restaurants as 50% of the space). Approximately 786 parking spaces would be required, about 800 spaces are depicted. Parking lots meet all green space requirements and at least 25% of the parking area is shown to be constructed of porous paving. Sidewalks will connect all buildings. Service areas will be screened from view and will not be visible from nearby streets.

A portion of the development proposal is within the ridgeline area shown on the Town Zoning Map. A ridgeline is defined as the highest 50' of a hillside which is above the 500' elevation. Trees will be removed in this area and earth and rock excavation will happen. The developer believes the purpose of the Ridgeline Overlay zone is to screen development in an effort to maintain the visual character of the town. Accordingly, the plan proposes to maintain a wooded buffer of ridgeline area along the I-84 side and near the intersection of I-84 and Route 312, so that motorists traveling I-84 will not see the development. Further, the building roof elevations will be set below the ridgeline. From a distance, the ridge will not appear to have been altered. From the Brewster Hill area, the ridge will continue to exist above the development.

All cut and fill slopes, created during site earthwork operations, have been designed to meet the tolerances of zoning Section 138-15.1 A & B which limit cut slopes and fill slopes to no more than 30' set at a 2 on 1 plane and no more than three 10' retaining walls, cut and fill. The developer has requested the town consider modifying Section 138-15.1 A & B up to 10% to allow for unanticipated design conditions or field conditions.

Mitigation of views of developed areas is prompted by the desire to preserve the feeling of the rural character of the area. The desire to mitigate the impact of size is a major factor in the "Large Retail" section of the zoning code. Because most development is usually visible from the road upon which it fronts and takes access, the Town requires a 75' deep Environmental Conservation Buffer along the frontage of a "Large Retail" development. Such a Buffer is proposed here and, will be fully designed as the project progresses through the approval process. The

definition of an Environmental Conservation Buffer found in the zoning code is: “ A vegetated buffer containing a mix of native deciduous and evergreen species of mixed ages, stream or wetland corridors or, geologic features that serve to screen any land use from adjoining properties or public right of way.” The Environmental Conservation Buffer, initially envisioned here, will include a mixture of plant species and an earth berm (geologic feature).

Should the applicant obtain Zone Change, Special Permit and Site Plan approvals in 2013 or 2014, it is the sponsor’s intention to commence construction immediately. Due to the fact that the site earthwork is balanced and stormwater systems must be constructed first with a NYSDEC requirement to minimize active areas of earth disturbance, the applicant assumes the earthwork activities will occupy most of 2014. Initial occupancy is projected for 2015.

3. Building Design

Concept building design studies for the facility have been prepared. The buildings will be sensitively designed to meet the architectural requirements of the Large retail zoning section 138-63.4. Roof lines, horizontal planes and materials will vary as shown on the Illustrations.

All heating and cooling equipment (HVAC) equipment will be screened. Building and insulation systems will be energy efficient. Some portions of the development may incorporate a form of green roof. LEED elements will be defined at final design and coordinated with stormwater improvements.

The parking lots and buildings will be connected via sidewalks. Parking areas will be broken by planted strips and 1/4 of the parking will be on porous paving, see Map #9.

**C. Approvals Required:**

Zone Change:	Town Board Town of Southeast
Site Plan:	Town Board Town of Southeast*
Special Permit:	Town Board Town of Southeast
NYSDOT:	Roadway Improvements
NYSDEC:	Stormwater Management
NYCDEP:	Stormwater Management
Putnam County Health Dept:	Extension of Sewage Lines
Putnam County Health Dept:	Extension of:
NY State Dept of Health:	Water lines and Provision of
	Water Treatment

SEQRA:	Town Board Town of Southeast
Town Wetland Permit:	Town Board Town of Southeast
Architectural Review:	Town Board Town of Southeast
Putnam County planning Review	Gen. Municipal Law (239 l&m)

\* The petition filed by the applicant requests the Town Board grant Site Plan approval for all ‘Large Retail’ projects subject to Section 138-63.4.

**D. Project Purpose and Need**

The purpose of the proposed project is to develop an economically viable and successful mixed use retail/commercial development at a highway intersection identified in the Town Comprehensive Plans as a node for economic activity, thereby bringing increased tax revenues and employment opportunities to the Town. The applicant believes that the need for the zoning amendment is borne out by the limited number of financially viable commercial uses permitted, pursuant to the existing RC zoning designation, wherein retail use is omitted. The applicant believes, adopting the zone change, requested by the sponsor, will encourage the commercial development envisioned by the Town at the Interstate 84/Route 312 interchange area while maintaining design control, through the implementation of the design requirements of Section 138-63.4, all within the same development area and with the same impervious surface as that possible under the RC zone.

The applicant has investigated this site for development for a number of years and has seen no interest expressed in the office uses allowed under existing RC Zoning. In the applicant’s opinion, there is now and for the foreseeable future, no market for office space in the lower New York area. There may be a need for hotel rooms but the RC Zone limits building height to three stories. It is to meet the need for retail, personal and professional services, the Zone Change petition has been filed. The applicant feels a hotel maybe a viable use, if the hotel could be approved at 4 stories tall to meet the design standards of many national tenants.

This property has remained under developed for many years only generating approximately \$27,423± in property tax payments to the local governmental bodies and upon which a timber harvesting company has operated which employs few people. The sponsor believes, with the requested approvals and, construction of the project, it is likely over \$687,863± in total property taxes will be generated annually and over \$3,955,200 in sales taxes will be generated annually for Putnam County and approximately 262± permanent jobs will be created.