

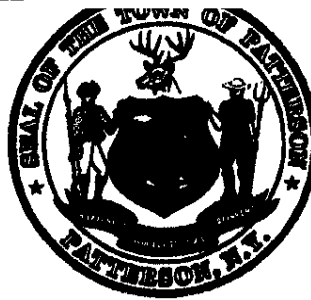
PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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January 18, 2006

Town of Patterson
Planning Board
P.O. Box 470
1142 Route 311
Patterson, NY 12563

Re: **SEORA COMPLETENESS REVIEW**
Patterson Crossing Retail Center
NYS Route 311
Tax Map No.22.-3-1, 33.-2-23 & 34.-2-3

Dear Chairman and Board Members:

I have reviewed the draft Environmental Impact Statement (DEIS) submitted to the Planning Department on December 1, 2005. The purpose of the review is to determine if the DEIS adequately addresses the issues identified in the Final Scope for the Project dated April 14, 2005.

Once the Draft Environmental Impact Statement is determined by the Board to have adequately addressed the issues raised in the Final Scope, a public hearing should be scheduled on the DEIS. The public hearing must be published not less than 14 days prior to the date of the scheduled date of the public hearing. In addition, notice must be prepared, filed and published in accordance with 6NYCRR 617.12(a) and (b). The date of the public hearing may not be more than 60 days after publication of the notice of completion. The Board should also hold the public hearing on the DEIS concurrently with the public hearing on the site plan. The Board should also determine an appropriate period of time subsequent to the public hearing for which written comments on the DEIS will be received, recognizing that the minimum comment period can not be less than 30 days from publication of the notice of completion and 10 days following any public hearing. Finally, effective on Feb. 26, 2006 the DEIS, FEIS and findings statement must be posted on the Town's website.

Based on a review of the draft Environmental Impact Statement I believe that the following issues should be addressed prior to the document being deemed complete by the Board.

A. DRAFT ENVIRONMENTAL IMPACT STATEMENT VOLUME 1

1. The cover sheet provides that written comment will be accepted by the Lead Agency for ten days after the date of the public hearing. The Board should determine if this is acceptable. It should be noted that the ten day period is the minimum required.
2. Page 1-2 the northern-most building does not meet the Patterson setback requirements, and also possibly the setback requirements for the Town of Kent. The need for area variances from the setback requirements should be noted here and discussed in the body of the DEIS.
3. Page 1-2 permits must be issued by the Department of Environmental Conservation for the Sanitary Sewer System and the Water Supply Permit (10,740 gpd). The Patterson Planning Board must also approve the Stormwater Pollution Prevention Plan.
4. Page 1.2 The Applicant is now proposing a "Tire Center" included in the wholesale warehouse store. A tire center would be considered a "public garage" under Patterson's Zoning Code. Public garages are permitted in the "T" zoning district by Special Use permit.
5. Page 1-3, Section 1.3.2 states that "If required by the Town, the applicant would develop a well monitoring plan to obtain water level data on wells within 500 feet of blasting sites, before, during and after blasting". Considering the concern expressed by adjacent property owners, I recommend that well monitoring plan be developed, that the plan includes a foundations survey and that a preliminary well monitoring plan be included in the DEIS.[see also Section 4.4.3]
6. Page 1-7, Section 1.3.5 4th paragraph suggests that "All soil erosion and sedimentation control practices would be installed in accordance with BMPs of Putnam County Soil Conservation Service..." The reference to BMPs of the Putnam County SCS should be clarified. What should be referenced in this section is the "NYS Standards and Specifications for Erosion and Sediment Control".
7. Page 1.11, Table 1-1 the Saturday Peak Hour should note whether it is a.m. or p.m.
8. Page 1-11 stated " Other intersections in the area will require improvements as a result of background growth, other pending projects under consideration in the area, and traffic from the Patterson Crossing Retail Center.It is expected that the details of an intersection improvement program will be worked out with the Town, County and State DOT during the course of the SEQRA review". The DEIS must clearly identify any impacts that are directly related to the project, propose mitigation which reduces those impacts and where environmental impacts are identified which can not be mitigated, provide a discussion under Section V "Adverse Environmental Impacts Which Cannot Be Avoided".
9. Page 2-17 3rd paragraph notes that a project sign is proposed for the eastern side of the property. However, the DEIS and associated plans do not provide the location or dimensions

of any proposed signage. This information is important in light of the fact that the applicant has suggested that a variance for the sign will be necessary.

10. Page 2-18, Section 2.3.7 the location of the photometric lighting plan should be provided here. A photometric lighting plan has been included as Figure 4.13-6, at a scale of 1 inch = 275 feet. However, this plan is at a scale that makes an assessment of the potential impacts difficult. For example the scale makes it impossible to read the footcandle for each isoline. It would be beneficial to provide a larger scale drawing. Finally, the Applicant should be aware that recent changes to the Town's Zoning Code have incorporated lighting standards which would be applicable to this Project.
11. Page 2-23, Section 2.4.2 "Operation" The discussion under this section suggested by the Scope was intended to be relative to the construction operation and not the retail operation. The discussion on the hours of operation covered under this section should address hours of operation during the construction period (it was noted that part of this discussion can be found under Section 4.9.6). Similarly, the section on "Lighting and Security" should address lighting and security during the construction period.
12. Page 2-25, Section 2.5 the list of permits and approvals should be revised as per the comments contained in this memo.
13. Page 2-26, Section 2.5, the SEQRA regulations do not provide for an "interested party" status in the SEQRA process. Therefore this section should be deleted from the document.
14. Page 3-5, Table 3-5 provides the "Cost of Development Revenue/Expenditure Ratio in Dollars". The information provided in the Table is from studies completed by Scenic Hudson and the American Farmland Trust and as such they should be shown as the source of the data, not the Town of Patterson.
15. Page 3-7, 1st paragraph references "With gasoline prices in the region now averaging near \$3.00 per gallon". Since the increase that occurred this summer which resulted in gasoline prices nearing (and in some cases exceeding) \$3.00 per gallon, gasoline prices have dropped. Therefore the Applicant should re-consider whether this statement is still valid. [see also Page 4.12-10]
16. Page 4.1-3 "Rock Removal Procedures" It should be noted that a copy of any documentation concerning off-site structures, including photographic or video documentation will be provided to the Town of Patterson and the Town of Kent.
17. Page 4.2-5, Section 4.2.4 last paragraph states that "Attempts will be made to balance the cut and fill on the site to within 1% of the total volume". While it is good that this attempt be made, the DEIS should evaluate the cut and fill that can be reasonably be expected at this time given the current design information, i.e. the DEIS should provide the anticipated volume of cut, the anticipated volume of fill and should discuss any impacts related to the difference

between the two volumes. A generic statement that the earthwork for the site is estimated to involve 566,500 cubic yards of cut and fill does not provide sufficient information on an potential impacts that may result from the cut and fill operation.

18. Page 4.2-7 "Erosion Control Maintenance" states that "All erosion and sediment control features will be checked for stability and operation following every rain event." The NYS DEC requirements are that erosion and sediment control practices be checked weekly and after every rain event of greater than 0.5 inches.
19. Under Section 4.3 there should be an analysis of any proposed cuts which result in slopes greater than 3H:1V. The design engineer should provide calculations documenting that the slope will be stable as designed. Slope stability should be demonstrated by two-dimensional limiting equilibrium methods such as the Bishop Simplified Method. Further, the analysis should include an evaluation of seasonal high groundwater conditions, including subsurface investigations if deemed necessary, to assure that the slope will remain stable in "worst case" conditions."
20. Page 4.4-1, Section 4.4, "Groundwater" the Recharge Analysis completed for the site should be provided in the DEIS. The recharge analysis should clearly identify the boundaries of the recharge area contributing to the wells proposed for the site, and include a discussion of the items identified under Section D.1.b.1 of the Project Scope.
21. Page 4.4-1, Section 4.4-1 states that GeoDesign, Inc. performed a Supplemental Hydrogeological Evaluation. It is noted that GeoDesign, Inc. is not listed as a Project Consultant.
22. Page 4.4-1, Section 4.4-1 states that "Groundwater flow direction on the site is not known but is expected to generally flow towards lower elevations west of the site and towards the northeast and east, towards Lake Carmel." The basis for the assumption that groundwater flow direction is towards Lake Carmel should be provided. It is noted that the topography of much the site is towards the east and southeast.
23. Page 4.4-6, Section 4.4.4 indicates that a recharge analysis was completed for the project which demonstrated that more water is recharged to the aquifer on the subject property, than is proposed to be used. The recharge analysis should be included in the DEIS.
24. Page 4.5-1, Section 4.5.1, 2nd paragraph suggests that there "are several identified watercourses on the property that have been delineated by the NYC DEP". The plans only show two watercourses.
25. Page 4.5-2, "East Branch Reservoir Watershed" The East Branch Reservoir Watershed is comprised of ten sub basins. A portion of the project is located within the Muddy Brook subbasin of the East Branch Reservoir Watershed.

26. Page 4.5-5 "Total Phosphorus" The Middle Branch and the East Branch reservoir were considered impaired waterbodies on the 1988 303(d) list, due to excessive nutrients. In 2000 the NYS DEC, in conjunction with the NYC DEP adopted Total Maximum Daily Loads for phosphorus, as phosphorus was considered the nutrient of concern. Once a TMDL is established a water body is de-listed from the 303(d) list. The discussion in this section would be more relevant if it focused on the NYS DEC 2000 TMDL Report.
27. Page 4.5-6, Total Phosphorus" The Middle Branch Reservoir is not considered a source reservoir and has an in-lake phosphorus guidance value of 20 ug/l.
28. Page 4.5-6 states that "As of 1996, non-point phosphorus exports from the East Branch of the Croton River to the East Branch Reservoir were estimated by the NYCDEP to be greater than 6900 lbs/yr" Again to be consistent in the DEIS, the NYS DEC Phase II TMDL Report stated that the non-point source phosphorus loads to the East Branch Reservoir was approximately 7,120 lbs/year.
29. Page 4.5-17 It should be noted that the Town of Patterson requires temporary or permanent stabilization no more than *seven* days after construction activity has temporarily or permanently ceased.
30. Page 4.6-2 "Seasonal flow variations" 1st paragraph states that the USGS maintains recording gauging stations on both branches of the Croton River. The DEIS then goes on to describe the gauging station on the Middle Branch of the Croton River, but provides no discussion on the second gauging station.
31. Page 4.6-3 There is very little description of the physical or biological characteristics provided on the larger stream, and there is no description on the smaller stream.
32. Page 4.8-20, Table 4.8-12 it should be noted that neither the BiCar Site Plan nor the Watchtower Site Plan received approval from, or are currently pending before the Patterson Planning Board.
33. Page 4.8.23, Section 4.8.2.3 states that "As indicated in section 4.8.2.1 this analysis takes into consideration several NYSDOT improvement projects and other projects which are projected to be completed on or before 2010. A list of these improvements is provided in Table 4.8-15." These projects are not listed in the August 2005 NYMTC list of transportation improvement projects. In order to verify that these project will be completed by the NYS DOT, the source of the commitment by NYS DOT to complete the signalization and other improvements should be provided in the DEIS.
34. Page 4.10-1 Section 4.10.1 the DEIS states "Water quality impacts associated with the proposed method of wastewater treatment and disposal would not occur." However, there is no real discussion concerning what the proposed water quality impacts might be, and whether the project SSTS will impact ground or surface water resources. For example, there

is likely to be a significant increase in nitrates released into the groundwater, but the volume of nitrates, or the potential impact to adjacent residential wells is not discussed in the DEIS.

35. Page 4.10-2, Section 4.10.3 Patterson's Garbage Districts 1 & 2 do not dispose of their solid waste at the RESCO facility at Charles point in Peekskill. Refuse is disposed of in Danbury.
36. Page 4.15-3, Section 4.15.1, 2nd paragraph the DEIS states that the "State agencies for Transportation and the Environment have been contacted and have assisted in developing the methodology used in the analysis to evaluate ambient air quality..." Any correspondence with these agencies should be included in Appendix B.
37. Appendix B contains a list of contacts, but correspondence between each of the contacts is not included in Appendix B. The Applicant should clarify whether this is an omission, or whether the only contact was verbal.
38. Page 5-1, Section 5.0, "Alternatives". The section on alternatives does not provide sufficient information from which the reader can make a comparison between the different alternatives presented. Instead the DEIS makes the comparison for the reader, without providing any rational basis in the document to substantiate the conclusions that the individual impacts may be increased, decreased, or remain the same. The comparison table should provide a quantitative comparison of the potential impacts.
39. Appendix D, The Boring Plan is not at a scale which allows the reader to identify the location of the different borings.
40. For easier reference, a unique identification should be provided for each building.

B. MISCELLANEOUS CORRECTIONS

1. Page 1-2, Section 1.3.1, second line "It is anticipated assumed that blasting would be"
2. Page 1-8, Section 1.3.7, 6th line, " of cavities for by owls, cavity nesting songbirds..."
3. A line should be added between the heading "2.3.8 Site Coverage" and the preceding section.
4. Page 4.7.7 through page 4.7.10 were missing in the DEIS provided to this Office.
4. Page 6-1, Section 6, 3rd line, "Potential on, and off site, mpacts that may occur..."
5. Page 6-1, Section 6, 8th line, "These practices includie Low Impact Development..."
6. Appendix H, Patterson Crossing Water Supply Report. Page 2, 2nd line "PF" should be "Of" and 4th line "locations with were adjacent "

7. Appendix I, Air Quality Technical Report, Section 1.0 "Introduction" states that "The amount of traffic and its distribution have been defined in Appendix C of the DEIS." The correct appendix is Appendix K.

C. ZONING

1. The development plan for the site proposes to construct a group of stores (the northern most building), parking area and access driveway all of which straddle the municipal boundary between the Town of Patterson and the Town of Kent. This municipal boundary creates a property boundary which can not be extinguished. Patterson's Zoning states that "All setback requirements shall be from that portion of the building or structure that is closest to the property line...." Strict application of this provision requires that any building must meet Patterson's setback requirements from the Patterson/Kent municipal boundary. Therefore the plans should be revised so that the building will meet the required setback from the municipal boundary, or an area variance be granted for the building. Finally, the DEIS should identify whether a similar requirement exists for the Town of Kent Zoning.
2. The number of customer parking stalls provided at the site does not meet the Town of Patterson Zoning requirements. Patterson's requirements for retail parking is one space for each 200 square feet of floor area or major fraction thereof. For a 405,850 retail center (excluding the 28,200 garden center) the required parking for the proposed project would be 2,030 parking stalls. The current plan has proposed only 1,884 parking stalls which is less than the actual number of parking spaces dictated by the Town's Code. The Board should note that the parking provided on the plans is based on "user specific parking requirements" which, considering the uses proposed for the site, appear to be a reasonable number of parking spaces.
3. The number of loading areas required by the Town of Patterson Zoning requirements has also not been met. Patterson's requirements for retail centers must provide one loading space for the first 3,000 square feet of floor area, and one additional loading space for each additional 8,000 square feet of retail floor area. This would require 50 loading spaces, which I feel is considerably more than is needed for the site. The current plan has provided only 14 loading spaces, with at least one loading space provided for each of the proposed stores except for the clothing store.
4. The development plans propose an 8' high solid fence set 25' off of the westerly property boundary. Patterson's Zoning limits a fence to six feet.
5. The Applicant has indicated that a variance must be issued for the signage proposed for the site. However, there are no details provided in the DEIS or on the site plans concerning any proposed signage for the site.

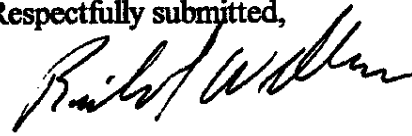
D. SITE PLANS

1. Sheet VM-1 "Vicinity Map" lists Greenridge *Court* as Greenridge *Road*.
2. Sheet SP-4.1 "Overall Phasing Plan" Construction Sequence Notes #2 spelling on "measure" should be checked.
3. Sheet SP-1 "Overall Site Plan" the following issues should be addressed:
 - This plan, as well as other plans show the zoning designation for the non-residential portions of the site in Patterson as "I-L Zone". Since Patterson's Zoning Map places the property in the "I" zoning district, the "I-L Zone" should be explained or revised.
 - The access drive for the stormwater basin, though labeled, is not shown on the plans.
 - The A.D.A. parking requirements should be provided in a table on this plan. It is noted that the A.D.A. parking standards require 20 A.D.A. compliant spaces plus one additional space for each 100 parking spaces over 1,000. This would require 29 spaces at the site. There are currently 66 spaces provided on the site plan.
 - The "Building Area and Parking Table" should be expanded to include the parking requirements as per the Zoning for the Town of Patterson and the Town of Kent, and how those parking requirements are being met.
 - The loading space requirements for Patterson, Kent, and those being provided should be shown on the plan.
4. Sheet SP-2.1 "Layout and Landscape Plan"
 - The traffic circulation layout at the first building appears to be extremely complicated. Customers leaving Building 1 must continue into the site, and subsequently perform a U-turn in order to exit the site. Alternative driveway layouts should be considered.
 - A stop bar should be provided at the end of the north bound lane on the driveway north of the Sporting Goods Store.
5. Sheet SP-4.1, "Overall Phasing Plan"
 - It would be beneficial to show on this plan the drainage divide between the East Branch watershed and the Middle Branch watershed.
 - Some of the proposed phases exceed the maximum disturbance allowed under GP-02-01 of five acres. The Applicant should acknowledge that the amount of disturbance that will occur within each phase will be less than five acres, or whether a variance will be sought from the NYS DEC.
6. Sheets SP-4.2 through SP-4.4, "Sediment & Erosion Control Plan", the stormwater/temporary sediment basins should be labeled.
7. Sheet SP-4.2, "Sediment & Erosion Control Plan"

- It appears that the Applicant is proposing two swales on the plan to manage runoff. The swales should be labeled and/or a detail added to the legend.
- The Overall Construction Sequence on SP-4.1 note #1A indicates that only a portion of Temporary Sediment Basin 3.3 is to be constructed initially. Details on the design of the portion to be constructed should be provided.
- Sedimentation and Erosion Control Notes #1 should reference the latest New York State Sediment and Erosion Control manual which is NYS Standards and Specifications for Erosion and Sediment Control.
- Sedimentation and Erosion Control Notes #3 it should be noted that Patterson's requirements for land not subject to further disturbance is within seven days the site must be seeded and mulched.

I trust the Board will find this information useful.

Respectfully submitted,



Richard Williams Sr.
TOWN PLANNER

cc: Dufresne-Henry Consulting Engineers, P.C.
Ted Kozlowski, ECI
Fire Code Enforcement Officer
Curtiss, Leibell & Shilling
Applicant

PATTERSON CROSSING RETAIL CENTER

LIST OF MATERIALS

January 20, 2006

Prepared by Tim Miller Associates

- Draft Environmental Impact Statement Volume 1
Dated November 30, 2005
- Draft Environmental Impact Statement Volume 2
Dated November 30, 2005

Prepared by Insite Engineering, Surveying and Landscape Architecture, P.C.

- VM-1 Vicinity Map
Dated August 31, 2005
- EX-1 Existing Conditions Plan
Dated August 31, 2005
- SP-1 Overall Site Plan
Dated August 31, 2005
- SP-2.1 Layout & Landscape Plan
Dated August 31, 2005
- SP-2.2 Layout & Landscape Plan
- SP-2.3 Layout & Landscape Plan
- SP-3.1 Grading & Utilities Plan
- SP-3.2 Grading & Utilities Plan
- SP-3.3 Grading & Utilities Plan
- SP-4.1 Overall Phasing Plan
Dated August 8, 2005

- **SP-4.2 Sediment & Erosion Control Plan**
- **SP-4.3 Sediment & Erosion Control Plan**
- **SP-4.4 Sediment & Erosion Control Plan**
- **PR-1 Access Road Profile**
- **D-1 Site Details**
- **D-2 Site Details**
- **D-3 Site Details**
- **D-4 Site Details**