

3.1 LAND USE, ZONING, PUBLIC POLICY AND COMMUNITY CHARACTER COMMENTS AND RESPONSES

Comment 3.1-1 (Ms. Lynn Eckhart, Public Hearing, July 14, 2008): I assume the signage will conform with the new codes because it looks to me like some of the signage shown would not.

***Response 3.1-1:** Entrance signs are proposed at each of the three vehicular access points (two for retail and one for office) to the project site. In addition, a "Now Entering the Town of Southeast" sign element is proposed for a location roughly across US Route 6 from the main project entrance. A variance for the size and number of signs will be sought once the tenants are determined and the designs finalized during the final site plan approval process. Details on the retail center signage program, including sign descriptions and locations, can be found on FEIS Figures I-5 (Overall Site Plan), 2-2 (I-84 Sign Element View), 3.1-1 (Retail Center Entry Sign Elements A) and 3.1-2 (Retail Center Entry Sign Elements B). The Applicant will continue to refine the signage plan, with input from the Town, through the environmental review and site plan processes.*

Comment 3.1-2 (Mr. Dan Armstrong, Public Hearing, July 14, 2008): [T]he impact of all of these developments is at night and the amount of light that comes off of these sites changes the character of the whole community. It's very clear that the big impact, aside from traffic, is the lighting. Anything that can be done to keep the lighting as low as possible and particularly where it's not needed, maybe in the back of the building. Because the back of the building is quite close to 84 and 84 is the recipient of all the ugly backyards of every development that's occurring along the perimeter.

***Response 3.1-2:** As an energy saving measure, and to mitigate light pollution, the lighting proposed for this project has been designed to be as low illumination as possible, particularly where it is not needed, while maintaining site safety and security. As documented in the DEIS:*

"The scale of proposed light poles, their decorative nature and the proposed light fixtures are intended to provide adequate levels of illumination for safety, while maintaining an attractive look for site visitors and surrounding residents. The site lighting proposed would be designed to comply with applicable Town standards (§138-104). All other lighting on the project site, besides the safety and security lighting, will be turned off during the hours of 11 PM to 6 AM. A regular pattern of pole-mounted lights would illuminate the entrance area and internal roadways and parking lots. Luminaire mounting height and luminaire style are specified that would provide sufficient ground illumination while minimizing the light spillage on non-pavement areas. Luminaire mounting height specified on the engineer's detail drawing is 15'-0"; total height to the top of the light is 18'-0". Luminaires near the adjacent residential properties on Old Nichols Road are proposed in locations that would avoid light spillage across the property line and would include light shields.

Lights would be oriented so that no lighting sources would be visible from any residential property nearby (no glare). No light trespass from the project would exceed 0.1 foot-candles at the front and side property lines on average. The average light trespass for the rear of the property would be 0.0 foot-candles and

the average ~~light trespass~~ [light level] for the entire Stateline Property would be 0.4 foot-candles. Refer to the Lighting Plan, LP-1 attached to this document. It is anticipated that a minimum level of all-night illumination would be maintained at the buildings for safety and security after operating hours. Intensity of the light on the ground surface is the determining factor relative to impacts to neighboring uses and it can be measured in the field. While portions of the illuminated site would be visible from off-site, lamp characteristics and pole spacing in this project would be designed to avoid light emissions at the property line and have minimal effect on neighboring residential uses. No significant adverse effect of night lighting is expected from this project. Refer to the Lighting Plan located in the Plan Set attached to this document.”

Visibility of lighting in the proposed development from Interstate 84 would be limited or obscured entirely because existing vegetation will remain post-development both in the median and along the property line. Moreover, there is a difference in elevation from the roadway to the buildings that will serve to diminish the visibility of the lighting. The engineer's drawing PR-1, cross section A-A taken through Building A, illustrates that the top of the building (and thus the wall-mounted lights) would be hidden from view from the Interstate due to the intervening topography (with the exception of a small portion of Building A's northeast corner). This condition would occur over the entire frontage along the Interstate from the point of cross section A-A and to the west. Cross section A-A is representative of Buildings B and C. Cross sections B-B and C-C show the conditions for Buildings D and E, respectively. Thus, while there would likely be perceptible light from the site, lighting along the rear of the buildings would not be visible from Interstate 84, with the aforementioned exception of Building A's northeast corner, as it would be positioned too low on the rear walls of the buildings.

Refer to Response 2.0-10 for additional information on views of the backyard and rear of the building from Interstate 84.

Refer to Figure 2-2 and the animation in Appendix C for depictions of the view into the project site from motorists traveling on Interstate 84.

Comment 3.1-3 (Mr. David Rush, Public Hearing, August 11, 2008): I would like to make the recommendation that the board seeks out the local R4, Section 13841 and see if you could get a three-dimensional simulation from you to really talk about that back end of the building. I think there's a lot of stuff going on that we really haven't gotten a handle on. And I think, as a planning board, we should be aware of that. I think Mr. Sullivan's comments are dead on, driving down the road, what are we going to see there? Not that there isn't a solution that you haven't come up with, but I think together as the community here in trying to design the best thing that we can, we should really be aware of what we can do and how to mitigate anything that maybe something that we can fix. [Y]ou obviously provided the photo simulation, but it just doesn't really talk to the sort of activity going on, even from 84, from that point of view, being able to see what is going on, what you're going to see there.

Response 3.1-3: *In response to this and other comments pertaining to views of the Proposed Action and into the project site, the Applicant has had additional renderings and a three dimensional animation of the project generated. Please refer to Appendix C which contains the noted materials.*

Comment 3.1-4 (Ms. Lynn Eckhart, Public Hearing, August 11, 2008): I think the 3-D idea simulation is great because I particularly want to see what the roofs are going to look like from 84. You know, we would like more than anything...to see green roofing, but we really want to see the roof the way it will look because if this is a gateway, it's also a gateway from Route 84.

Response 3.1-4: Refer to the animation contained in Appendix C herein for a simulated view of the roofs viewed from a passing vehicle traveling on Interstate 84.

Comment 3.1-5 (Mr. Jesse M. Vazquez, Ph.D., Letter #2, September 28, 2008): Does it ever occur to developers and planning boards that residents choose to live in certain areas with so-called "deficit" of commercial development, precisely because areas with "surplus" commercial development brings congestion, crime, and noise. People looking for more country moved to Putnam because it provided folks with more woodlands and open fields, not because they were looking for a house close to the next best shopping center. It is a choice in lifestyle, especially in areas such as northern Westchester and the southeastern Putnam area. We were not in search of a Central Avenue of White Plains.

Response 3.1-5: The project site has been zoned Gateway Commercial since the adoption of Local Law No. 16 in 2004. The Town of Southeast Zoning Map from 1984 depicts the project site as falling within the ED-2 (Economic Development District). At a minimum, for the last the past 24 years, the Town of Southeast has envisioned the area including the project site to be commercially developed.

Further, the Town of Southeast has seriously considered the issues noted in the comment. As noted in the Chapter 3.1, Land Use, Zoning, Public Policy and Community Character, Section 3.1.4, Public Policy, of the DEIS:

"In June of 2002, the Town of Southeast adopted the Town of Southeast Comprehensive Plan (Plan). The Plan is an update to the Town of Southeast's 1992 Master Plan and provides a vision for how the Town of Southeast would grow and develop over the next decade or more." ¹ The Plan sets forth recommendations designed to maintain a healthy economic environment and appropriate residential and commercial character while protecting the integrity of the natural resources and infrastructure of the Town. The Comprehensive Plan was developed in response to issues affecting the quality of life and character of the Town since the completion of the Master Plan. These issues include changing demographics and land use trends within the Town of Southeast.

According to the Comprehensive Plan, the Town of Southeast is classified as the economic center of Putnam County. "Significant commercial and industrial growth has occurred from along the existing commercial corridors of Southeast (US Route 6 and 22) from 1991 to 2000. As of 2002, the largest industry sectors located in the Town included manufacturing, retail trade, and health care/social services." ² Also noted in the Plan is that Town has experienced an increase in office development, especially along Fields Lane, US Route 6, east of Brewster Village and at the interchange of Interstate 84 and Route 312. The Plan indicates that office development slowed during the 1990s, but with improvements in economic conditions, there has been a resurgence of demand for new

¹ Town of Southeast, Comprehensive Plan, June 2002

² Town of Southeast, Comprehensive Plan, Section 3, Patterns of Development , June 2002

commercial office within the Town of Southeast.³ The Proposed Action would be consistent with the above mentioned economic and land use development patterns.

According to the Plan, the Town envisions continued commercial activity in the existing commercial areas. These existing commercial areas are defined as Growth Focus Areas in the Croton Plan. The Comprehensive Plan states that Commercial Focus Areas are of particular interest for these areas (zoning districts) "have the greatest potential to affect community character as the land uses associated with them are of a higher intensity."⁴ The project site is located east of the Village along US Route 6, which, according to the Croton Plan, is a Growth Focus Area for Commercial/Warehouse Growth. Allowing growth in these areas is consistent with the vision of the Town of Southeast, which is to create a diversified base of business and industry in order to strengthen the Town's tax base and to provide employment opportunities for area residents while preserving the Town's rural residential character and protecting the Town's portion of regional drinking water supply."⁵ Figure 3.1-4A illustrates commercial uses present along US Route 6 as identified in the Comprehensive Plan (as of the year 2000). Major nodes of existing commercial development in the Town (as of year 2002) are shown on Figure 3.1-4B.

Regarding community character, the Town's goal is to permit appropriate commercial development while maintaining a community of rural character. The proposed office space complies with the area and bulk requirements of the existing zoning of the site and would therefore, be consistent with the Plan. In regards to the proposed retail use, the Plan states that "[a] large scale use, if well designed, could have a beneficial impact on community character."⁴ The Comprehensive Plan does not place size restrictions on future commercial/retail development to maintain such character but rather proposes to develop new design standards, including architectural and landscape design. Specifically, the Plan states that the Town plans to update the Code to include design standards "to ensure that larger retail facilities ('big box retail') do not dominate the surrounding character of commercial or residential districts"⁶ and that site design and landscaping standards should be put in place to lessen the visual impact of commercial uses.

The Town achieved the above mentioned goal in July of 2007 when the Town amended its local land use regulations (Chapter 138 of Town Code) to adjust permitted uses and intensity of uses with commercial districts throughout the Town with the overall intent to protect the community character and environmental quality of the Town.⁷ As discussed above, in the Zoning portion of this section, the Proposed Action complies with the existing zoning requirements set forth in the Town Code.

³ Town of Southeast, Comprehensive Plan, Section 7, Economic Development , June 2002

⁴ Town of Southeast, Comprehensive Plan, Section 10, Croton Plan , June 2002

⁵ Town of Southeast, Comprehensive Plan, Section 7, Economic Development , June 2002

⁶ Town of Southeast, Comprehensive Plan, Section 7; , Economic Development , June 2002

⁷ Town of Southeast, Local Law No. 4 of 2007; A Local Law to Amend Chapter 138 of the Town Code, "Zoning", 12 July 2007.

Land Use, Zoning, Public Policy and Community Character

August 10, 2009

Many of the other guidelines mentioned in the Comprehensive Plan are recommended at the Town level and are not project specific. Project specific guidelines noted in the Comprehensive Plan pertain to general commercial development, commercial development in the New York City's Croton Watershed, and new development proposed east of the Village, along US Route 6. Figure 3.1-2 illustrates Future Land Use in the Town of Southeast based on proposed residential and commercial development patterns as noted in the Comprehensive Plan."

Considering the above, it is apparent that the Town of Southeast does not intend to bring the city to the suburbs.

Comment 3.1-6 (AKRF, Letter #4, September 29, 2008): Although the Applicant presented a "kit of parts" at the DEIS public hearings which exhibited the design concept for the proposed project, the Applicant has not committed to a specific building design. The DEIS lists the following "possible design approaches" to be considered as the building designs advance:

- Provide a varied roof line, distinct building corners and parapet projections
- Building facades will make use of depth of materials for shadow lines and details
- Unique building corners will be used to create varied focal points
- Quality and contrast in building materials will provide a texture to the architecture that relates to human scale and proportion
- Building and storefront expression will optimize retailer identity and emphasize the customer's shopping experience
- Building facades and storefronts will have rich colors in building materials with a range of
- architectural details unique to the individual tenants
- The quality of the building facades and project lighting will be an important element that will add to the shopping experience and convey a feeling of safety.

These are all important design features that should be committed to as part of the proposed project. While we recognize that national retailers have specific branding, the major features of the façade, roof lines, lighting, and storefronts should be part of the proposed project and a stronger commitment by the Applicant should be required.

Response 3.1-6: *The Applicant's architect has further developed the project plans and they now depict the features proposed to be incorporated into the final building design(s). The features proposed will be fine tuned during the remainder of the project review process and could be adjusted to meet specific standards of tenants. Refer to Figure 2-3 and Appendix D for a copy of the building elevations. These design concepts are based on principles presented in the DEIS.*

Comment 3.1-7 (AKRF, Letter #4, September 29, 2008): An evaluation of the elevations of proposed buildings reveals that the project design, as currently considered, may not meet all of the building design standards established for Large Retail Establishments in §138.63.4.C(2) of the Zoning Code. Specifically, larger tenant spaces are not visually diminished by the presence of smaller retail establishments with exterior access as required by §138.63.4.C(2)(a)[1] and large expanses of blank wall are shown on several facades that appear to be in conflict with §138.63.4.C(2)(d)[2]. It is recognized that the drawings submitted are preliminary in nature and will be modified through the process of site plan review and special permit review; but the Applicant should be aware that compliance with the site and building design standards has not been demonstrated.

Response 3.1-7: Refer to Response 3.1-6. The Applicant recognizes that the final building design must comply with building design standards in § 138.63.4 of the Town of Southeast Code.

Comment 3.1-8 (AKRF, Letter #4, September 29, 2008): Per the request of the Planning Board at its August 11, 2008, meeting, the Applicant should prepare a three-dimensional (computer) model of the proposed project and provide representative views from both I-84 and Route 6. The model must include specific site topography to allow the Planning Board to understand visibility of the project from the surrounding areas and the visual effect of the proposed stormwater basins along Route 6 as well as the visual effect of rooftop mechanical equipment as it might be seen from I-84.

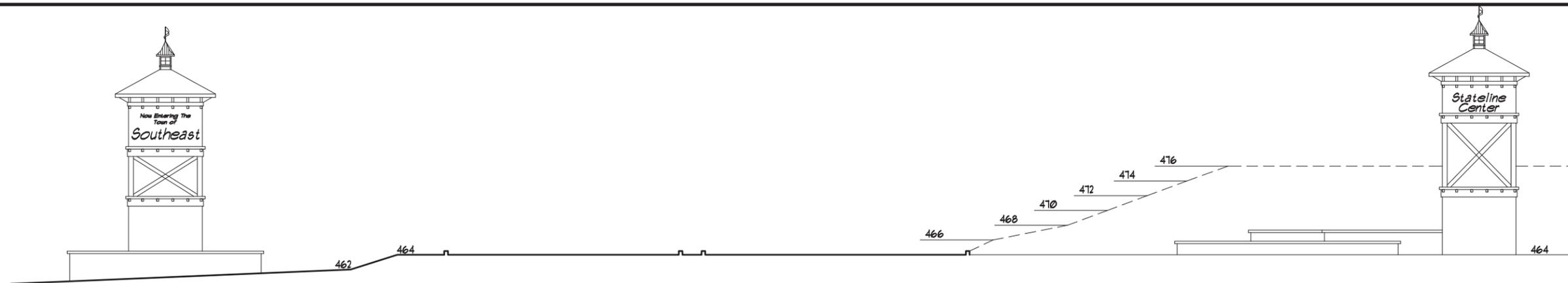
Response 3.1-8: Refer to the three dimensional animation contained in Appendix C herein.

Comment 3.1-9 (AKRF, Letter #5, March 6, 2008): Section 3.1.3 indicates that the applicant will be seeking a variance for the proposed 40-foot high manufactured slope behind building A. This proposed manufactured slope, as well as the length of the 10-foot high retaining wall behind Buildings C and D, would result in significant adverse impact to community character and should be avoided. There is no acceptable mitigation for this impact. Nor has it been demonstrated that avoidance of the impact is not possible.

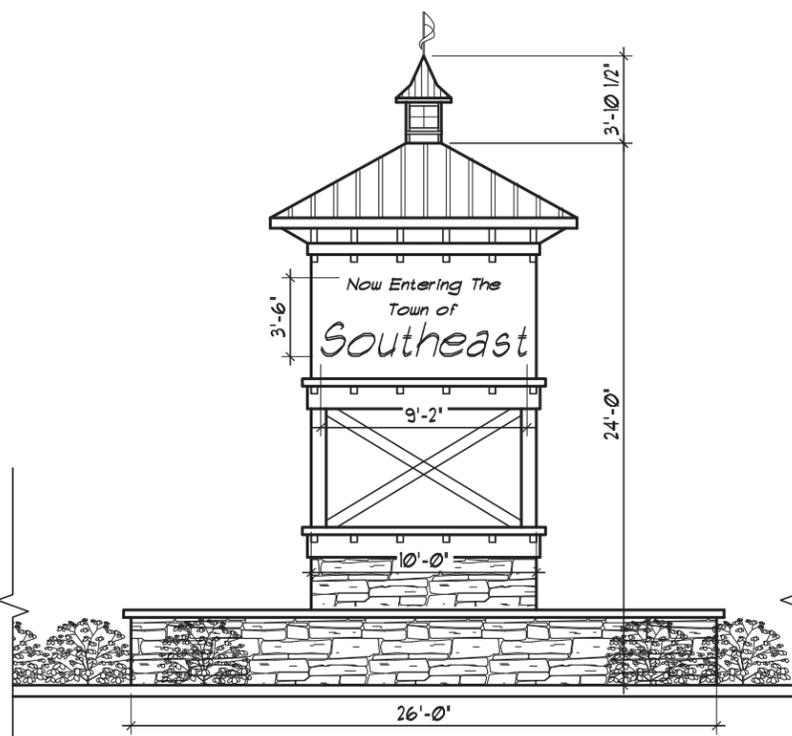
This comment remains unaddressed and will be treated as a substantive comment on the DEIS.

Response 3.1-9: Refer to the renderings and animation contained in Appendix C of this FEIS.

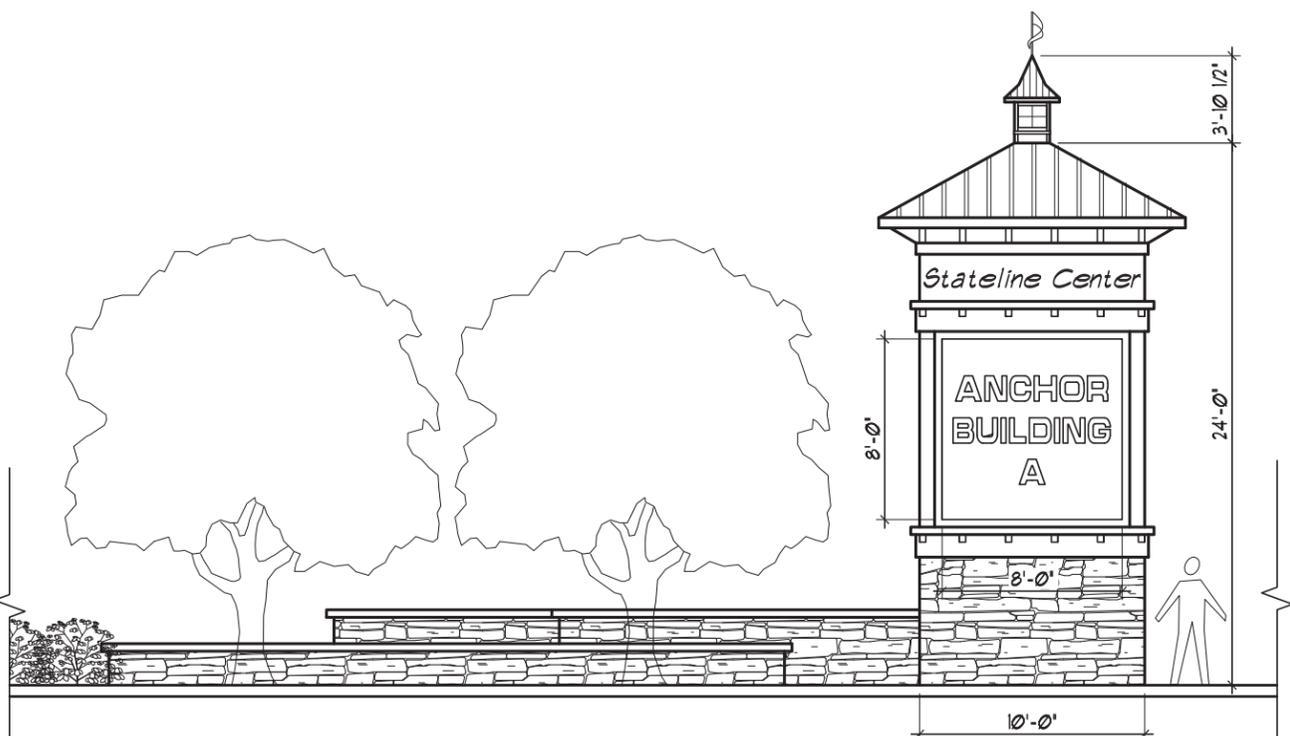
As noted in the DEIS, the proposed rock cut will be obscured from all vantage points along US Route 6, Interstate 84 and from the adjacent residential parcels by existing and proposed topography, vegetation and the planned buildings. Along a segment of the secondary (western) retail access road, patrons entering the retail center would be able to see between the buildings and view the manufactured slope. This would result in a significant adverse impact to the local community character that cannot be mitigated.



Section - Gateway (T1) & Monument (M1) Sign Element
SCALE: 1/16" = 1'-0"



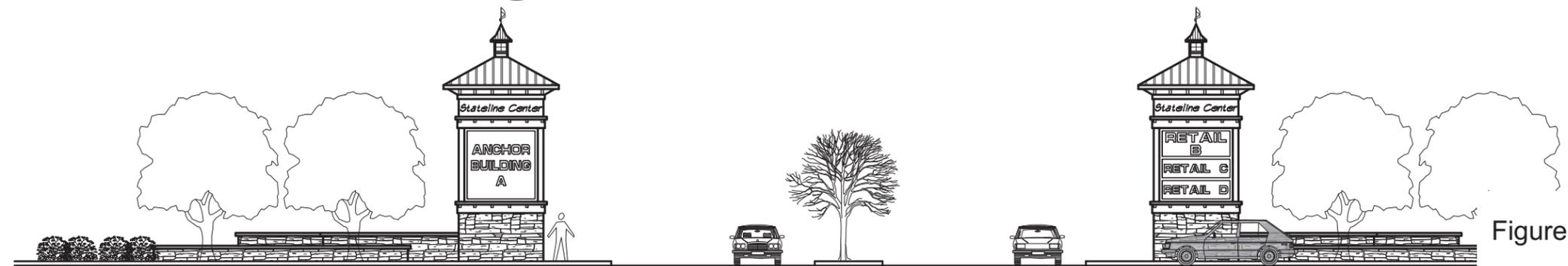
T1 Town Gateway Monument Element
SCALE: 1/8" = 1'-0"



M1 Partial Entry Monument Sign Element
SCALE: 1/8" = 1'-0"

SIGNAGE TABLE					
Designation	Type	Text Box	Size H x W (Each Tower)	Area (Each Tower)	Variance Required
M	Illuminated Letters (Exterior Illumination)	Stateline Center	9'-8" x 10"	88 S.F.	
M-1	Monument Element (Exterior Illuminated Panels)	RETAIL BUILDING A	8'-0" x 8'-0"	64 S.F.	Variance Required
M-2	Monument Element (Exterior Illuminated Panels)	RETAIL B RETAIL C RETAIL D	3'-0" x 8'-0" 2'-2" x 8'-0" 2'-2" x 8'-0"	24 S.F. 1733 S.F. 1733 S.F.	Variance Required
M-3	Monument Element (Exterior Illuminated Panels)	RETAIL RETAIL RETAIL RETAIL	2'-6" x 8'-0" 2'-0" x 8'-0" (2) 1'-6" x 3'-10" (2) 1'-6" x 3'-10"	20 S.F. 16 S.F. (4x5.75) 23 S.F.	Variance Required
S-1	Interstate 84 Monument Element (Exterior Illuminated Panels)	Stateline Center	6'-2" x 15'-0"	92.5 S.F.	Variance Required
T-1	Town Gateway Monument Element (Exterior Illuminated Panels)	Now Entering The Town of Southeast	3'-6" x 9'-2"	32 S.F.	

Note: Zoning Chapter 138 Town of Southeast 2008, Section 138-75 subsection C(2)(c)(2)(b) Freestanding signs (iii) One common freestanding sign shall be permitted, not exceeding 20 square feet, in addition to wall signs.



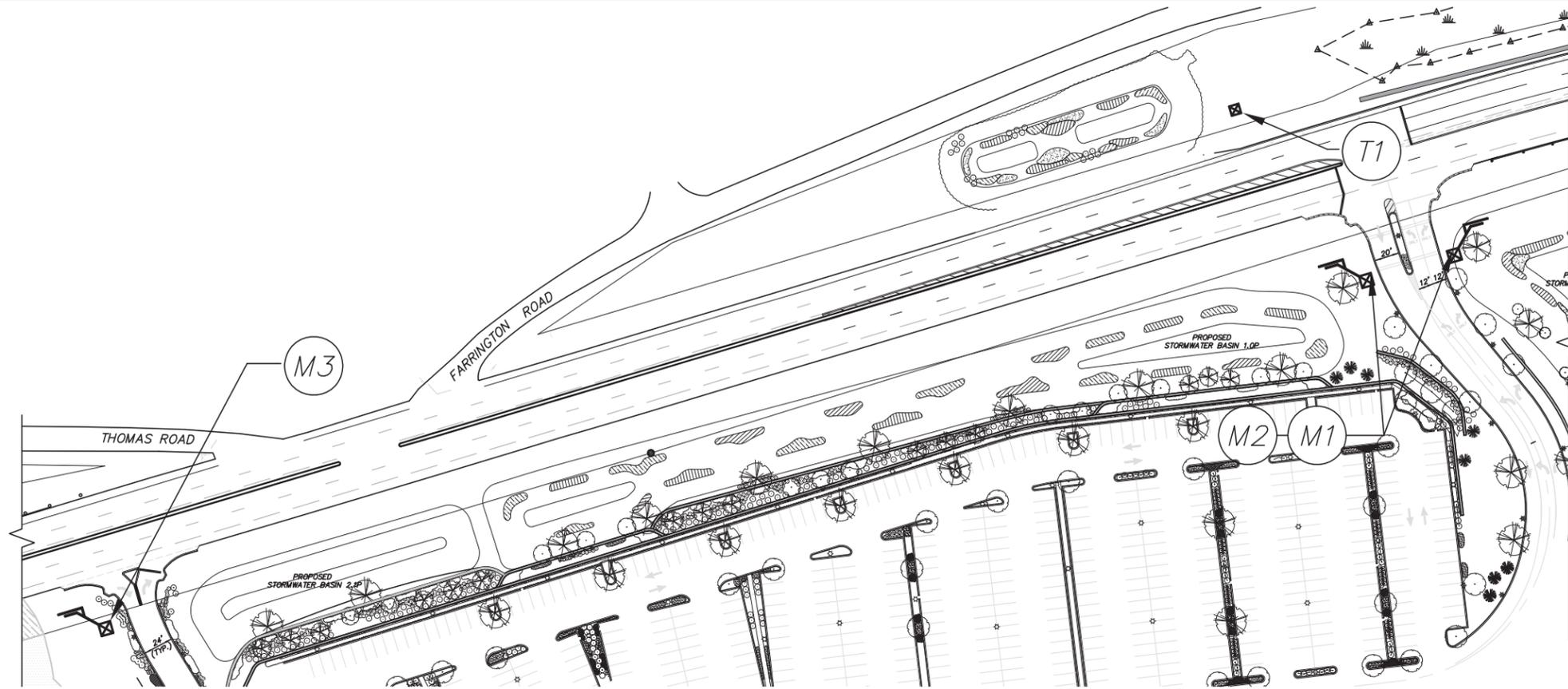
Main Entry Monument Sign Element
SCALE: 1/16" = 1'-0"



File 05065 6/24/09
JS/05065/Updates 3/09

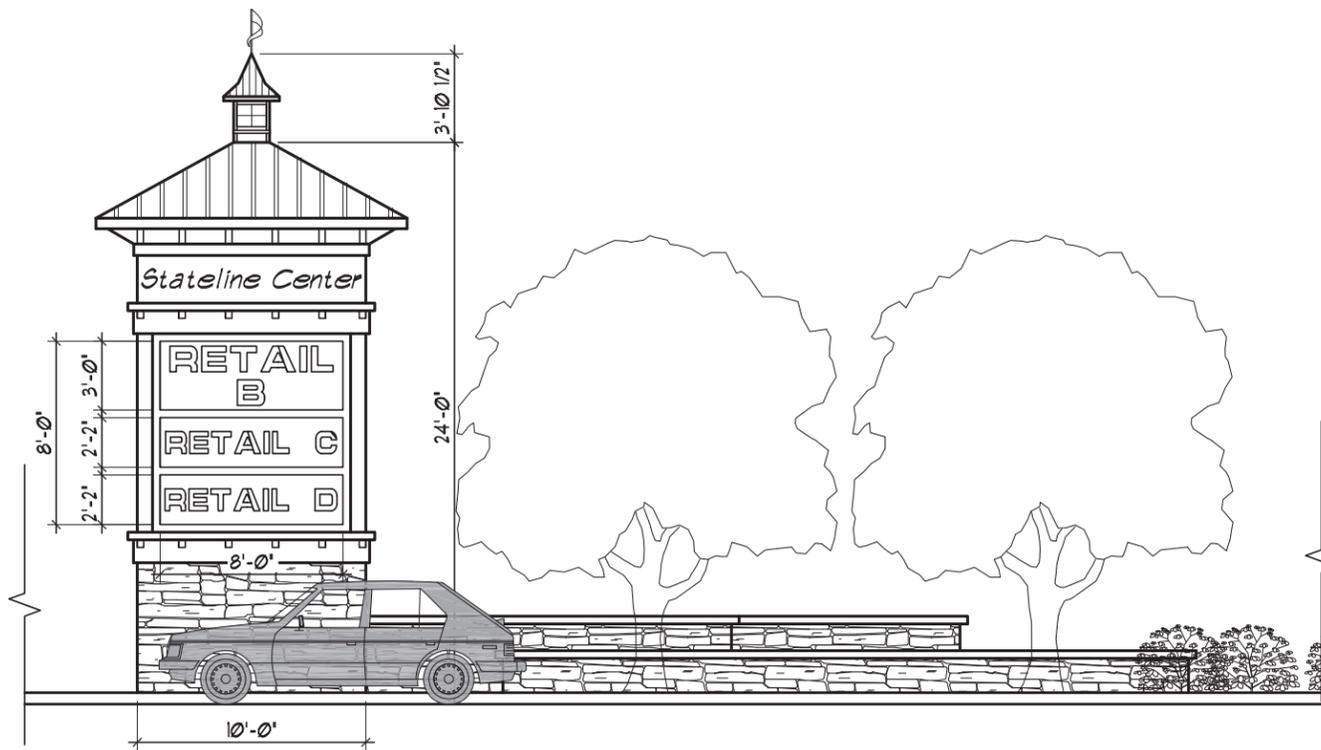
Tim Miller Associates, Inc., 10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418

Figure 3.1-1: Entry Sign Elements A
U.S. Route 6, Town of Southeast
Putnam County, New York
Source: DCAK-MSA Architecture, 06/24/09
Scale: As shown

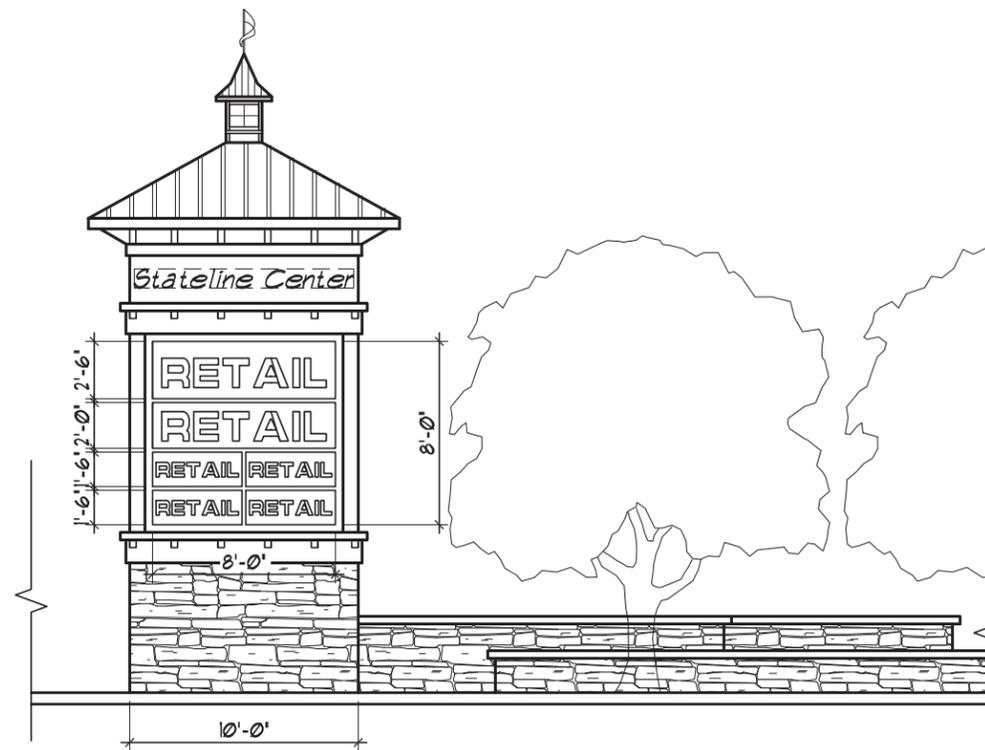


Partial Site Plan - Monument Sign Element Locations

SCALE: 1" = 120'-0"



M2 Partial Entry Monument Sign Element
SCALE: 1/8" = 1'-0"



M3 Secondary Entry Monument Sign Element
SCALE: 1/8" = 1'-0" (See overall similar to (M1))

Figure 3.1-2:
Entry Sign Elements B
U.S. Route 6, Town of Southeast
Putnam County, New York
Source: DCAK-MSA Architecture, 06/24/09
Scale: As shown