



June 28, 2018

Acting Chairman Wayne Johnson, and
Members of the Planning Board
Town of Schodack
265 Schuurman Road
Castleton-On-Hudson, NY 12033

Re: Proposed Sales Distribution Center Site Plan Application
Property: Route 9, Town of Schodack (Tax IDs 200.00-6-1.3 & 200.00-6-22.1)

Dear Chairman Johnson and Members of the Planning Board:

On behalf of Scannell Properties #262, LLC, we respectfully submit the following responses to the comments raised during the 2 public hearings and written comments received within the allotted timeframe.

Comment:

The Planning Board must require the applicant to prepare an Environmental Impact Statement because the Project is a Type 1 action under SEQRA.

Response:

The SEQRA regulations do not require the preparation of an EIS for any particular project. Rather the regulations state that any Type I action “carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS.” For all actions, however, it is the lead agency, i.e. the Town Planning Board in this case, that has the responsibility to make a determination of significance “by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in section 617.7(c) of this Part”. The Full EAF and all of the reports submitted by the Applicant, comprising over 700 pages of technical information, is what is being reviewed by the Town’s Designated Engineers, Laberge Engineers, as an independent third party advising the Planning Board, and by the Planning Board members themselves.

It is not accurate to say that an EIS is required for this project. The question is whether the project has been designed in such a way so as to address any potential adverse environmental impacts below what the lead agency considers to be significant. This determination is made on a case by case basis by the lead agency. For the majority of actions, lead agencies have issued a negative declaration of environmental significance for Type 1 actions. In fact, such a negative determination was made in the case of a 1 million square foot distribution center just last year in the Town of Frankfort, New York.

Comment:

Why were alternative site layouts, alternative project designs and alternative locations not considered for this Project?

Response:

Alternative off-site locations were not considered because neither the landlord, Scannell, nor the tenant, Amazon own or control other properties in the Town of Schodack. In addition, the minimum property size for this project is 100 acres, and there are no properties available that possess the minimum size, locational attributes and zoning in the Town to accommodate this project. SEQRA clearly provides that off-site alternatives are not required to be considered where the Applicant neither owns nor controls other property. Alternative project designs and site layouts have been examined. Amazon needs a fulfillment center to serve its northeast market. This type of fulfillment center is a +/- one (1) million square foot space used for non-pick large items, such as kayaks, appliances, etc. One of the way Amazon serves its customers and runs its business efficiently is by having standard forms of sales distribution centers. The size of the center and the purpose it serves is directly related to the type of building that has been proposed.

Alternative site layouts were also considered. The sales distribution center design was placed on the Project Site to provide buffer distance to the residential areas, to avoid natural resources and to minimize tree clearing. . The building and most of the parking is being located in the cleared, former corn field that is most amenable to the substantial clearing and grading necessary to construct the building. Additionally, the project has been designed with berms and sound walls, as well as extensive landscaping, to keep noise at pre-existing levels, especially in the quietest part of the day and evening. The berms and the landscaping, as well as the wall, also limit visual impacts as shown in the many simulations prepared for the project and submitted to the Town Planning Board. Relocating or reorienting the facility on the Property, would not further limit environmental impacts but would cause impacts to treed areas and to wetlands or ponds.

Comment:

The Project will cause ripple effects in the community and have cumulative environmental impacts because of the development of the Amazon Sales Distribution Center.

Response:

The study undertaken by Scannell's expert Camoin Associates shows that the spin off from the warehouse has the potential to result in a relatively small number of additional jobs (beyond those offered by Amazon) in the community. Scannell fully expects that people who currently live in the Capital District Area will be hired by Amazon to work in the warehouse. Those who are likely to apply to Amazon include underemployed persons, as well as unemployed persons, who would like not only the salary offered for the position but also the benefits, both health and retirement, that start at day one of employment. Based on the public comments, there are many vacant and underutilized businesses that may benefit from the development of the Amazon Sales Distribution Center. Any cumulative benefits from the sewer and water district extensions are very limited. The extensions will cover only Amazon's facility and the sewer pipe will only be extended as necessary to serve the facility. The sewer capacity is more than sufficient for Amazon's limited needs but any additional expansion in the area is limited to the overall amount of sewage treatment provided by the Town of East Greenbush under contract with the Town of Schodack. Over the past several years property designated PD-3 in the Town of Schodack has attracted substantial interest by those interested in constructing and operating sales distribution centers. This proposal made by Scannell on behalf its tenant Amazon is the most recent in a series of projects to seek approval in the Town. As was observed during the public hearings by those who spoke in favor of the project, this sales distribution center could have been built years ago—economic development has not occurred rapidly

in the Town and in the opinion of the Applicant the consideration of this application has been transparent, thoughtful and not rushed.

Comment:

The traffic from the proposed Amazon Sales Distribution Facility will cause overwhelming traffic problems and cause the roads to be unsafe.

Response:

The Applicant and the Town have been working with NYSDOT, the State agency that has jurisdiction over the roadways to be affected by the project—NYS Route 9, a four-lane highway that leads immediately to an interstate highway, I-90, to review the potential impact on transportation resources as a result of the truck and employee generated traffic. The traffic on the roadways during peak periods was thoroughly studied by the project engineers and has been reviewed by the NYSDOT. NYSDOT has agreed with the transportation-related improvements proposed for the project, including the installation of a traffic light and turning lanes into the site. This approval can be found in NYSDOT's letter dated June 27, 2018. The TIS, dated March 29, 2018 and the latest supplement to the TIS, dated June 8 June 26, 2018, submitted by the project engineers was also reviewed by the Town Designated Engineer. From a transportation perspective, this is an appropriate location for a sales distribution center serving the northeast. As designed the project will not cause any adverse environmental impact on traffic. It is worth mentioning as well that the traffic numbers found in the ITE were not used for this project, instead Amazon specific data was used that showed a greater amount of traffic than would have been predicted using the standard ITE numbers. The use of this Amazon specific data ensures that the model predicting the generation of traffic and all potential transportation impacts that could potentially arise due to that traffic are being addressed. In addition to the impacts from the Project, NYSDOT, at the request of the Town will also be studying the following:

- The recent accident at rt. 150
- The accident history at the intersection of rt.9&20 and rt. 20
- Speed study along this stretch of highway
- The driveway at the Diner
- The intersection sight distance at Richwood drive, and in particular, if vegetation impairing site distance is currently an issue. If it is NYSDOT will cut or remove the vegetation.

At the request of the Town, the Project traffic engineers also submitted an updated Traffic Impact Study that addresses an alternate traffic distribution scenario (in addition to the scenario originally evaluated) where the truck trip distribution is assumed to involve a greater percentage of vehicles coming from and going South. Like the previously addressed original scenario that has the vehicle distribution coming from and going North, the study results show that all LOS are still acceptable by NYSDOT standards. The updated Traffic Impact Study also added a technical analysis of the intersection sight distance for the truck entrance. The analysis demonstrates that the Project will meet or exceed the NYSDOT requirements. The traffic analysis included all school buses that would have traveled through the area when the traffic counts were taken. The traffic study showed that all intersections continue to function effectively for all traffic, including school buses.

The proposed access roads to the Sales Distribution Center will not adversely affect the operation of Richwood Drive. The traffic light that is proposed will ensure that gaps are provided in the traffic so that vehicles exiting the Drive have an opportunity to go onto NYS Route 9. All accesses to NYS Route 9 and their configuration must be approved by NYSDOT who will take into account the operation of the proposed signalized intersection and its

effect on any nearby intersections. Any commercial use of the property proposed for the Sales Distribution Center would require access to NYS Route 9 and a similar evaluation of nearby intersections, this is not unique to this project. Moreover, the increased level of traffic which allows for the installation of a traffic light will only help slow traffic in the area which should improve safety over the existing conditions. However, it is worth noting that the Sales Distribution Center has direct access to a four lane New York State Arterial road—NYS Route 9 and immediate access from that road to I-90, a four-lane limited access highway providing access to several States and the entire Northeast area that Amazon intends to serve with this Sales Distribution Center.

Comment:

How will the Project be designed, built and operated to ensure that the potable water wells on adjoining properties and the underlying aquifer will not be adversely affected by the Project?

Response:

The Project complies fully with the NYSDEC stormwater design manual which has been developed by NYSDEC to ensure that development projects use infiltration practices to continue to introduce, post-construction, stormwater into the groundwater system. Additionally, the NYSDEC stormwater design manual also ensures that projects, such as this one, design for the 100-yr. storm event and incorporate extensive treatment measures into the design of the project so that stormwater is appropriately treated before being discharged back into the groundwater. For this Project extensive measures above and beyond what is required by the NYSDEC have been implemented. In addition to the sedimentation pond, the project incorporates 3 – 3,000-gallon oil/water separators sized to handle the first flush rain event that provides for adequate retention time for solids and oil separation, and each catch basin and manhole will contain a sump and a protective hood over the outlet pipe that will provide 2 additional measure to capture pollutants and clean stormwater prior to being infiltrated back into the ground. All structures and stormwater management facilities will be routinely inspected and annually cleaned to maintain their proper operation. Vehicle access driveways are provided that allow for the removal of sediment built up in the sedimentation pond and infiltration basin as necessary.

To demonstrate that the Project meets the requirements for a special permit due to its proximity to the aquifer, Dente geotechnical engineering was contracted to do a study of the potential impact of the project on potable water wells on adjoining properties and the underlying aquifer. It should be noted that the Project itself will not use groundwater in its operations but instead is seeking to have the water district extended to cover the Project property to allow the Sales Distribution Center to use public water. Scannell has submitted a water extension request letter to be followed by the map, plan and report, to the Town of Schodack Town Board seeking the extension of the existing water district to cover the property to contain the Sales Distribution Center. Please also note that the water usage numbers for the Amazon Sales Distribution Center are quite low and do not involve the use of either groundwater or public water for production purposes but just for on-site restrooms and other similar employee uses. Amazon also will not use, or store hazardous materials and no petroleum storage tanks will be located on site as part of its operation.

Several neighbors have concerns regarding the use of salt on the parking lots and walkways during the winter to ensure that vehicles and employees can safely navigate the site. Amazon has committed to not store such materials on the site for outdoor use. Generally, Amazon contracts with a local provider of snow plowing services, just as most commercial facilities do in the winter. Amazon has adopted the recommended application rates for reduced environmental impacts as published by the Minnesota Pollution Control Agency and expects that its contractor will adhere to best available practices for snow and ice management to avoid the potential for any impacts to the aquifer and any potable water wells on properties adjacent to the site.

Comment:

Will property values around the Project decline and will that result in a loss of taxes for the Town?

Response:

Scannell constructs distribution centers and similar facilities throughout the Northeast. Scannell is not aware of any negative impacts to the value of property that adjoins distribution centers. It is important to remember that this property is zoned PD-3 and has been marketed for many years to be used as a sales distribution center among other similar uses. Any impact in property value, which we have no reason to expect would be negative, would already have taken place by virtue of the site zoning and the extensive marketing of the property for use as a sales distribution center.

Comment:

The Town does not have sufficient capacity through its agreement with the Town of East Greenbush to ensure that sufficient sewage treatment capacity exists for the project.

Response:

The Project has very modest needs for sewage treatment due to the nature of the Sales Distribution Center proposed by Amazon. This facility will use on average 6,000 gallons per day (gpd). The agreement between the Town of Schodack and the Town of East Greenbush, allocates a total of 45,000 gpd to the Town of Schodack users. Currently the Town sends approximately 25,000 gpd to east Greenbush, and therefore, after the Project uses the small amount of this allocated capacity that it requires, the Town of Schodack will still have over 14,000 gpd of sewage treatment capacity available to it under the current agreement with the Town of East Greenbush. Scannell has submitted a letter to the Town of Schodack Town Board (to be followed by a map, plan and report) requesting the extension of the sewer district to cover the Project Property. The design of the sewer system originally submitted provided for an on-site sanitary sewer pump. Due to some changes in the design Scannell has been able to eliminate this proposed on-site sanitary sewer pump as it is no longer necessary.

Comment:

How has the noise from the Project been evaluated, especially in the evenings and weekends, and what mitigation measures are proposed?

Response:

An extensive noise study was submitted to the Town as part of the EAF on the Project. The noise study examined ambient noise levels at the property boundaries during the most quiet portions of the day. The noise study followed the NYSDEC noise impact assessment guidance and also the regulations of the Town of Schodack relating to noise. The noise study also evaluated the noise that would be emitted from the Sales Distribution Center and specified immediately the project design features that would be integrated into the Project to address noise. The noise expert is very familiar with Amazon's various facilities, having studied many of them, and has specified measures that have been successfully used at other projects including the following: a solid wall that will separate the parking lot containing the trucks and loading docks from the surrounding properties. This solid wall is 18 feet high and has been designed to attenuate any noise such that noise from the operation of the project will be maintained at a pre-construction level at least. Moreover, to assist in keeping noise down during

construction as well, Amazon and Scannell have committed to construct the wall, as well as the berms discussed below as early as possible in the construction of the Sales Distribution Center.

The building itself blocks the noise from the truck operations from the residential area to the North, however, to limit both noise and visual impacts Scannell has proposed to construct landscaped berms between the employee parking area and the adjoining residential properties. With these berms, the level of noise before and after the operation of the sales distribution facility is very similar with only a few very low increases (most below perceptible levels) in noise as is set forth in the Noise Study included in the EAR. The berms with the landscaping also block views from the residential properties into the Sales Distribution Center. Amazon has also agreed to equip switcher engines and as many other on-site trucks as feasible with smart, ambient sensing, multi-frequency back up alarms. These devices reduce annoyance generated from pure tone back-up alarms.

Comment:

How will the Amazon Sales Distribution Center be designed to address fire safety?

Response:

Amazon is aware that this area of the Town of Schodack is served by Schodack Valley Fire Company which is a volunteer fire company which currently depends on many surrounding Fire Companies to serve this area through the mutual aid system. So far representatives of Scannell and Amazon have corresponded with SVFC and have met with SVFC representatives on at least two occasions. Scannell and Amazon intend to continue to meet with and to address any concerns raised by SVFC. It should be noted that the sales distribution center will have a state of the art fire early suppression fast response system (“ESFR”). ESFR technology is a unique sprinkler protection concept that varies significantly from conventional, control-mode protection schemes. There are two key factors specific to ESFR sprinkler technology that make it effective in high-challenge fire suppression. First, the sprinklers are designed to discharge water with sufficient volume and momentum to attack the fire directly at the burning surfaces, thereby achieving fire suppression. Second, the sprinklers are designed to respond very quickly to growing fires through the use of a fast-response fusible element.

The proposed building will have a sprinkler demand of approximately 2,340 gpm. This is based on the sprinkler design criteria of twelve K-22.4 ESFR sprinkler heads operating at an end head pressure of 50 psi with a 10% margin to cover additional flow due to system inefficiencies. Also included in this demand is a 250 gpm hose stream requirement. For this system, the typical water tank is approximately 200,000 gallons.

This fire suppression system delivers a calculated amount of fire flow in accordance to the scope of the building size, through individual sprinkler heads to ensure that a fire, if one breaks out, is immediately suppressed. The water for sufficient fire flows may be maintained on site in a 200,000 gallon water tank which is adjacent to the building. Although the height of the building is +/- 40 feet, any delivery of water from hoses originating outside the building would be delivered through stand pipes that are affixed to the building. The economic study prepared by Camoin Associates and submitted to the Town Planning Board on June 18, 2018 demonstrates that substantial funds will be provided by the Project to the SVFC. In addition to these funds, Scannell and Amazon are willing to work with the SVFC in additional training exercises that can take place at the proposed facility and to provide SVFC a tour of similar Amazon facilities, at their convenience. Both Scannell and Amazon will work with the Town Building Department and the SVFC to ensure that the proposed Sales Distribution Center meets or exceeds all State, local and federal fire safety requirements.

Comment:

The visual impacts of the project will be detrimental to the surrounding residential neighborhoods and the community.

Response:

Scannell and Amazon have carefully designed the Sales Distribution Center so that it will not have a visual impact on the two surrounding residential neighborhoods. The wall to the South will completely block the view of the facility and its parking and loading docks. The wall itself will be a solid surface of stamped concrete or wood, depending on the direction of the Town Planning Board, and the appearance of the wall will be softened by the planting of trees and other landscaping. The views of the landscaped wall were simulated from numerous directions and the simulations were submitted to the Town Planning Board and presented to the public at several public meetings.

Similarly, Scannell and Amazon and their professionals have designed berms with landscaping to block views from the residential neighborhood to the North. They have met with the neighbors at their properties and have agreed to preserve existing tree lines/hedge rows on Scannell's property that blocks view on neighboring properties. The height of the berms has been adjusted upwards and the berm has been lengthened to include all the views along property lines to the North. The maturity of the landscaping to be planted and its height is substantial as well. The visual simulations were undertaken at day 1 with no assumptions of growth of vegetation prior to the simulations. The simulations were extensive and based on state of the art imaging that allowed the Planning Board members and the members of the public to "see" the views from the neighboring properties. These simulations and the project design demonstrate that the Sales Distribution Center will not have an adverse impact on the surrounding residential neighborhoods.

For the views from commercial properties or from I-90, Scannell and Amazon have made every effort to enhance the building by adding decorative and vertical elements that break up the horizontal elevation to provide an aesthetically pleasing building elevation. Also, landscaping has been proposed along the building to further soften views from roadways and commercial properties. It will be Scannell and Amazon's responsibility to maintain the landscaping. The Town typically requires financial security from applicants to ensure that all landscaping is maintained for sufficient time, several years, to ensure that it was planted correctly and watered sufficiently to establish long-term growth. Moreover, during the construction of the facility Scannell and Amazon will work with the adjoining residential neighbors to ensure that dust from construction does not adversely affect their pools, landscaping and the exterior of their houses. It is Scannell and Amazon's intention to control dust on site and to ensure that it does not leave the site by using water trucks and other methods to ensure dust is controlled. In the event such control is ineffective, they will work with the affected landowners and address at the companies' expense the effects of such dust on the property through power washing and other means.

Comment:

A few commenters have suggested that the proposed Sales Distribution Center will result in more crime and accidents in the Town.

Response:

It has not been Amazon's experience that any of its employees or the truckers that haul its goods have caused any increase in crime in rural towns where Amazon has opened facilities. Scannell has coordinated with the local

police and they have not indicated any concerns or expectation that crime or accidents will increase as a result of the operation of Amazon's facility.

Comment:

Pedestrians use the NYS Route 9 corridor and employees that work at the Sales Distribution Center may want to use public transportation.

Response:

The site plan shows a sidewalk in front of the Project Site. As noted on the Project site plans, this sidewalk will be constructed at the Project Sponsor's expense and at the direction of the Town. One neighbor has expressed concern about this potential sidewalk and Scannell will work with her to save her trees or to implement other landscaping to address her privacy concerns. It is Amazon's experience that some of its employees may seek to use public transportation to go to work, and as such incorporates a ride share / bus drop off on the property. The closest public bus stop is located approximately ½ mile from this project and Amazon will work with the local public transportation agency (CDTA) to determine if a bus stop is feasible on or near the site of the Sales Distribution Center.

Comment:

Who is the Tenant and what types of materials will be stored in the proposed SDC? Will Scannell remain involved with the Project?

Response:

The tenant is Amazon who will be operating the sales distribution center in the Town of Schodack. The types of materials that will be stored include all the household items that a person can currently order from Amazon. This Sales Distribution Center will have larger items, such as kayaks and household appliances, as it is planned to be a non-sort pick center. Scannell will remain involved with the Project as they will be constructing the Sales Distribution Center and will be Amazon's landlord.

Comment:

What socio-economic benefits will the Project bring to the area?

Response:

The Camoin study of the economic benefits of the Project was submitted to the Town Planning Board on June 18. The study details the benefits that will be received by the Town, the County, the School District and the Schodack Valley Fire Company.

Comment:

Although the Property is zoned PD-3, as well as the nearby residential areas, the character of the area is residential, and the former agricultural lands should be used for a residential project. The scale of the Project is not consistent with the PD-3 zoning, which was for light commercial use, nor the Town's Comprehensive Plan.

The Project is not a Sales Distribution Center. The Project does not comply with the Town's "Commercial Design Standards."

Response:

To address the issues raised concerning the proposed Project and whether it is a Sales Distribution Center under the Town of Schodack Zoning Code, Scannell and Amazon provided a letter dated May 31, 2018 to the Town of Schodack Building Inspector seeking an interpretation of the Zoning Code. On June 18, 2018 the Building Inspector responded in writing and confirmed that the proposed use constitutes a Sales Distribution Center. This letter is on file with the Town. This determination is consistent with the Town Designated Engineer's comment letters for this Project and Dollar Tree, among other projects proposed in the PD-3 zoning district, all of which were accepted by the Town Planning Board as Sales Distribution Centers. The PD-3 zoning allows the proposed Amazon facility and contains no limit as to the size of the facility beyond the carrying capacity of the property. It is hard to see how several smaller facilities on the property would result in less impacts to the neighbors, given the careful attention to noise impacts and visual impacts exhibited by Scannell and Amazon as shown in the design of the facility. Sales Distribution Centers of this type and for this tenant, Amazon, tend to be large in order to serve large areas of the US, such as the Northeast and to serve their clientele in the timely fashion that we all have come to expect. In some sense, e-commerce is gradually replacing traditional retail facilities, or at the very least, making it much less likely that such retail "bricks and mortar" facilities will be built in the future. The Town has had some difficulty attracting retail and commercial businesses to the corridor based on the comments made by many commercial property owners and business owners in the area. It appears that growth has been stagnant in this commercial corridor in the Town for some time and the hope is that the economic activity generated by Amazon's facility may benefit business owners in the Town, vacant commercial property owners and tax payers generally.

We look forward to discussing this project at the Planning Board's July 2 meeting. In the meantime, if you have any questions or require additional information, please contact our office.

Very Truly Yours,

McFARLAND JOHNSON, INC.



Steven M. Boisvert, P.E.
Area Operations Manager

cc: Richard Laberge – Laberge Group w/ copy
Daniel Madrigal – Scannell Properties
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