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Dissent to Majority Decision Reached by HDRB on 14 May 2015

The purpose of this document is to assert my dissent to the resolution passed by a 3-to-2 vote of the HDRB with respect to the Butterfield Redevelopment Project, and to record the basis of my vote against granting the project a Certificate of Appropriateness.

The circumstances surrounding the basis for the proposed Butterfield Redevelopment are unfortunate and create a dangerous precedent for future property development in the Village.

The Butterfield Redevelopment is a portent for the urbanization of Cold Spring, in the same way that occurred to communities in Westchester County over the last 20, 30, 40 years or so. There were charming, historic villages along the river such as Hastings, Irvington and the Tarrytowns, which over time have been converted, thanks to creeping urbanization, to overly developed, overly dense places. Traffic and parking, consequently, are impossible and they're no longer habitable villages that people really can enjoy. The Butterfield Redevelopment would bring the prospect of Westchesterization to Cold Spring.

In 2012, the Village adopted a new Comprehensive Plan that had been developed by a large group of dedicated volunteers over a multi-year period. The Comprehensive Plan is a document that expresses the goals, direction and desires of the community, especially with respect to land use decisions. Clearly, the Comprehensive Plan was not substantially utilized by the Village Board of Trustees, the Planning Board and the drafters of the B-4-A rezoning. However, had the Planning Board used the principles of the Comprehensive Plan as guidance during its discussions and deliberations with the developer, undoubtedly a better plan would have evolved to the benefit of both parties.

The underlying legislative change to Sec. 134 of the Village Code is problematic in that it mandates a specific "concept" plan which, if not adhered to, would render the B-4-A rezoning void. If any element of the project is incapable of being implemented, no development alternatives are available short of legislative change. The so-called "concept" plan -- which is in practice a mandatory plan -- allows only minimal movement of structures by an arbitrary number of feet or degrees. The "concept" plan and the rezoning amendment do not allow for additional flexibility in the event of extraordinary circumstances. The rezoning amendment does not permit the Zoning Board of Appeals to afford relief should such conditions arise, further underscoring the mandatory nature of the "concept" plan. In essence, the B-4-A zoning and the "concept" plan presented an "all or nothing" proposition to the Historic District Review Board, thus creating a situation in which application of Chapter 64 of the Village Code and the HDRB Design Standards was in practice substantially paralyzed.

In my 30-plus years of experience in planning, architecture and real estate development, I have rarely seen the coupling of a mandated site plan to a rezoning measure. In those years, I have never experienced a situation where there are no possibilities to appeal for relief or to consider alternatives and modifications.

Twice during 2013, the HDRB gave comments to the Village Board of Trustees and the Planning Board on the Butterfield Redevelopment proposal – on the Environmental Assessment and on the proposed B-4-A zoning text. On both occasions, the HDRB stated that the size, scale, massing and layout of the proposed buildings – particularly the multi-family dwellings – were not in keeping with community character and standards. While the composition of the HDRB has changed slightly since then, some members, who today have voted in favor of the project, voted in 2013 to oppose its bulk and density. In the intervening years, the project plan has changed only in the smallest details, so the rationale for that reversal is inexplicable.

The change in character that this development will bring to Cold Spring is contrary to what this Village has sought to preserve for so long. I am not referring solely to historic buildings and districts. This is not a matter of applying faux-historic details to very large apartment buildings and pretending they are thus in keeping with the Village's character. I am pointing to the integration of new development into a traditional Village environment; the recognition of existing building forms; the relationships to streets, other buildings, and viewsheds; the provision for open space, personal/private space, and natural landscape; and how circulation is managed, including walkability and treatment of parking. Taking these concepts into consideration and applying them to proposed development within the Historic District, I find the Butterfield Redevelopment fails to meet the criteria of Sec. 64-7A and the HDRB Design Standards in respecting this Village's character.

My colleague Kathleen Foley has developed the statistics and measurements for comparison of mass and scale to other buildings in Cold Spring, both within and without the Historic District. I defer to the data she assembled on this matter. The size, scale and massing of the multi-family residential buildings proposed in the Butterfield Redevelopment greatly exceed those of comparable existing structures both within and outside the Historic District, such as the Haldane High School, the defunct hospital, and residential buildings at Spring Brook condominiums and Chestnut Ridge apartments, in many cases exceeding by multiples the square footage of the existing buildings.

Cold Spring has zoning laws on the books that could have been adapted to the Butterfield site. The R-3 zoning under which Forge Gate and Spring Brook were built provides for multi-family housing at a greater density than most of the residential areas of the Village. Both of those condominium developments have created neighborhood-scale enclaves that afford some greenspace or personal space for each unit. The clustered residential units are more on the model of townhomes with at least two exposures front-to-rear. Parking there is broken up into smaller groupings. The Butterfield Redevelopment, on the other hand, has virtually no personal outdoor

space per unit, except for very small balconies and terraces, some of which front directly on parking lots or publicly accessible roads. There are minimal planted strips between the multi-family buildings and the roadways. Building 3 and Building 4-5-6 are surrounded by paving, with half of Building 3 overlooking a large (ca. 30-car) parking lot between it and Lahey Pavilion. All the proposed senior condos at Butterfield are built around double-loaded corridors with only one-sided window exposures, except for a few corner units. The basement parking in Building 4-5-6 is a 260-foot long underground garage for approximately 40 cars. If Building 4-5-6 were transferred to Pine Street it would stretch from the corner of Parrott Street to the corner of Parsonage, the entire length with no break, and the building would extend approximately 80 feet deep, a solid mass.

A comparison to the Chestnut Ridge senior apartments, built under the earlier B-4 zoning, is also worthwhile. Chestnut Ridge contains approximately 64 one-bedroom units in 4 buildings, 16 units per building. All units are floor-through with window exposures front-to-back. Each building has 4 entry locations, all the ground floor units have direct access to outdoor green space. Each building is surrounded on three sides by green space. There are two parking areas, none of which are directly overlooked from the apartments. The contrast with Butterfield Redevelopment is apparent for the same reasons cited above with respect to Forge Gate and Spring Brook: mass and scale of individual structures, integration of green/personal space, relationship to and dispersal of parking, and (regarding exposures) building types.

In summary, for the reasons cited in the discussion above, I maintain that the proposed Butterfield Redevelopment fails to comply with Chapter 64 of the Village Code, specifically the criteria set forth in Sec. 64-7A. (2) a. through d. In addition, the proposed plan does not comply with the standards provided in Chapter B – New Construction of the HDRB Design Standards. Finally, the proposed development is not in keeping with the goals and objectives of the Village's Comprehensive Plan, specifically Objectives 1.1.1, 1.1.2, 1.2.1, 7.1 and 7.1.6.

Therefore, having taken a hard look at the proposed Butterfield Redevelopment proposal and having diligently informed myself and examined both underlying documents and having compared existing development within the Village which establish its character, I have voted against the issuance of a Certificate of Appropriateness for this application.

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