

**MEMORANDUM**

TO: Chairman Molloy and Members of the Cold Spring Planning Board

FROM: C. Voss, AICP

DATE: October 17<sup>th</sup>, 2013

RE: Butterfield Redevelopment Application – Expanded Environmental Assessment Form Technical Review Comments - Final

B&L File: 1593.001.001

Dear Chairman Molloy,

As requested at the September 18<sup>th</sup> and October 2<sup>nd</sup>, and October 16<sup>th</sup>, 2013 Planning Board meetings, we are providing technical review comments on the expanded Environmental Assessment Form provided by the applicant dated May 7, 2013 (“EAF”). The Butterfield Redevelopment project is classified as a Type I Action under SEQRA as it meets the thresholds under the SEQRA regulations contained in §617.4(b).

Based upon our review of the EAF for this Action and SEQRA regulations § 617.7, we offer the following technical review comments for the Board’s consideration. In addition, this memo includes comments provided to date by members of the Village of Cold Spring Planning Board:

**Long EAF Part I & II (dated May 7, 2013)**

1. Page 1 of 21 – The name of lead agency noted on the EAF incorrectly lists the “Board of Trustees, Village of Cold Spring” as the Lead Agency. The Village of Cold Spring Planning Board has declared its intent to be Lead Agency and has circulated said intent to all Involved and Interested Agencies accordingly. This part of the EAF should be revised.
2. Page 1 of 21 – The name and title of the responsible officer in lead agency listed on the EAF incorrectly lists “J. Ralph Falloon, Mayor” as the responsible lead agency officer. Again it is our understanding that the Village of Cold Spring Planning Board has declared its intent to be Lead Agency and has circulated said intent to all Involved and Interested Agencies accordingly. Mr. Barney Molloy is the current Planning Board Chairman and should be listed as the responsible lead agency officer. This part of the EAF should be revised.
3. Page 5 of 21, Question 20 – Please answer this question by revising this portion of the EAF and narrative where appropriate.





4. Page 5 of 21, Question 20 (B)(1)(c) – It is assumed that a portion of the proposed “Gateway Park” will remain undeveloped. This information should be revised to match the current site plan.
5. Page 5 of 21, Question 20 (B)(1)(f) – Please revise this portion of the EAF form to reflect accurate parking space data totals.
6. Page 5 of 21, Question 20 (B)(1)(i) – The dimensions of the largest structure appear to be inaccurate as compared to the current site concept plan. This information should be revised to match the current site plan.
7. Page 8 of 21, Question 25 (Approvals Required) – The project site is contiguous to a site listed on the National Register of Historic Places and in close proximity to other historic sites. As such the New York State Office of Parks, Recreation and Historic Preservation is an Involved Agency and has discretionary approval authority over any project in proximity to a registered State or National historic resource. The EAF should be revised to include NYSOPRH under the “State Agencies” part of this form.
8. Page 8 of 21, Question 25 (Approvals Required) – The Village of Cold Spring (and the project site) are within a NYS designated Coastal Management Zone administered by the NYS Department of State Dept. of State Office of Communities and Waterfronts. As such they should be noted on the EAF as a potential involved agency.
9. Page 14 of 21, Question 6 – The proposed redevelopment of the Butterfield site will include substantial site grading, leveling and significant alteration of existing contours across a majority of the site. In addition far more impervious surface area(s) is proposed as compared to the existing condition. As such there will be major alterations in the drainage flow and patterns of surface water across the entire site. This part of the EAF should be revised accordingly to recognize this potential impact.
10. Page 15 of 21, Question 9 – The proposed redevelopment of the Butterfield site will include substantial redevelopment of large portion of the site that are currently undeveloped. As such there will be removal of approximately 1.1 acres of vegetation across the entire site. There have been no threatened or endangered species identified to date on the site. However there is a resource found on the site that has been identified as a significant ecological and community resource... the large Copper Beech tree located on the northern side of the site. Based on information provided in the concept plan and obtained from recent site tours, this important ecological resource may be directly impacted by the proposed development, in particular the close positioning of new buildings and structures. Accordingly, this part of the EAF should be revised by answering “YES” and checking the “potentially large impact” checkbox.



11. Page 16 of 21, Question 11 – The proposed concept plans illustrate significant new buildings of varying heights spread across the entire site. This new building scale, height and massing will have a significant altering effect on the overall visual context of the site. Accordingly this part of the EAF should be revised to recognize this potential impact. A Visual EAF should be prepared and submitted to more fully understand the potential visual changes to the site and identify possible mitigation measures to minimize the visual impacts to and from the site.
12. Page 16 of 21, Question 12 – There are significant historical resources in close proximity to the site. However it is less clear as to potential impacts on archeological resources that may be present on the actual site despite the fact that the site has been previously disturbed. A Phase IA Archeological study should be conducted to better understand the potential for archeological resources on the site. If it is determined that there is the potential for archeological resources on the site, a Phase IB study should also be conducted.
13. Page 17 of 21, Question 13 – The reduction of the lawn area from 3.7 acres to 2.6 acres which constitutes a reduction of 30%, should be recognized on this part of the EAF form and noted as a “potentially large impact”. This issue should also be clearly addressed in Part III Section 7 of the applicant’s expanded EAF narrative.
14. Page 19 of 21, Question 19 – Based on information provided by the applicant in the Part III Narrative, it may be necessary to revise this part of the EAF form to reflect potential large impacts to the municipal budget for capital expenditures.
15. Page 20 of 21, Question 20 – The proposed redevelopment of the Butterfield site has a rather long, significant and well-documented history spanning approximately 5+/- years. It is our understanding that during this time, there has been significant public interest and focus on the project. Therefore it is reasonably anticipated that there will be continued public interest associated with this project as it moves forward through the SEQRA, re-zoning and land use approval process. This part of the EAF should be revised to reflect this possibility.

### **Long EAF Part III – Narrative (dated May 7, 2013)**

#### **1.0 Project Description**

1. Given the extensive amount of time that this project has been in development with the Village of Cold Spring, the applicant should revise this section by providing a detailed discussion of the events that have transpired to date, in chronological order, to better illustrate the various comments, discussions, meetings, activities and changes the project has undergone to bring it to its current form. A more detailed “Project History” should be



provided to avoid potential redundancy in requesting information that may have already been developed or provided to the community by the applicant.

2. The applicant should provide a detailed project review and development schedule/timeline that outlines the review and approval steps to be taken, and the intended construction sequencing of the project to full build out.
3. Current concept plans do not show the proposed new relocation of the existing cell phone antenna that is currently on the Butterfield hospital building. The applicant should revise their plans to show the proposed new location of this cell antenna and if necessary provided a visual impact assessment of the new antenna location so that the Planning Board can fully assess any potential negative impacts associated with this relocation.
4. The current site plans do not show any accessory structures or support areas for the proposed residential and commercial buildings like loading docks, trash receptacle/compaction areas, snow storage areas, etc. With the current site layout and roads utilizing most of the buildable area, it is necessary to know where and how any accessory structures or support facilities will be incorporated into the overall concept design to ensure adequate space, circulation and access. The concept plans should be revised accordingly.
5. To better understand how the site and properties will be managed and operated, the applicant should provide the Planning Board with a copy of any Homeowners Association Covenants, or a copy of the site's Operations and Management Plan.

## **2.0 Economic and Demographic Resources**

1. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential fiscal impacts on the water and sewer district.
2. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential fiscal impacts on public safety services.
  - i. i.e.: police calls and new operational costs; fire calls and new operational costs; EMS calls, etc.
3. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential impacts on variable General Fund revenues.
4. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential impacts on variable General Fund expenses.



5. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential impacts of any anticipated tax abatement requests by the applicant for any portion of the project.
6. Please provide a quantitative breakdown in chart form of the calculation used to determine the number of persons projected to reside on the site after full build out. Please provide a citation and reference to the CUPR multiplier data used to support the demographic data offered in the EAF.
7. The EAF fiscal impact analysis assumes that the project will add 83+/- “new” residents to the Village of Cold Spring. This may not be accurate as it can be reasonably anticipated that several existing village residents may opt to move to this location from their homes inside the village. The EAF should be revised to include an analysis of the potential impacts on existing housing stock in the village caused by the project’s new housing options for new and/or current village residents.
8. Please provide a citation and reference to the IBC and ITE multiplier data used to support the long range employment data offered in the EAF.
9. The Fiscal Analysis (Section 2.0) should be revised to include a thorough discussion of potential contingencies in the event that the proposed 55 units of “Senior” housing cannot be sold to seniors. Also provide an analysis of the fiscal impacts if the units do not sell for the higher anticipated asking price noted in the EAF.
10. Where does the range of jobs data, found on page 2-7, of “20 to 75 full-time jobs” come from? Approximately 21 new jobs are described in the “Long Term Employment Opportunities” section, which also says that some jobs may be relocated. Please revise this section of the EAF to include more detailed information on jobs.
11. The Fiscal Analysis (Section 2.0) should be revised to include a thorough discussion of the impacts to the number of persons living on the site if the “Senior Housing” age restrictions were to be removed in the event the applicant cannot sell, rent or lease the 55 units as “senior housing”.
12. In addition, the proposed age restrictions need to be better defined and described as it is not clear if all residents living on the site have to be older than 55yrs, or if just the owners or leasee’s themselves have to be 55yrs or older. Would residents older than 55 yrs. who still have children living with them be allowed to own and/or rent? How will the age restriction be enforced? Please clarify.
13. Under the “Local Economy Spending” section of the EAF the fiscal impact analysis assumes that all 55 proposed units on the site would be occupied by “new” families to Cold Spring, resulting in roughly \$825,000 in new spending in the village per year. This may be inaccurate given the fact that a certain percentage of the families occupying the



55 units can reasonably be assumed to be relocations from within the village and who already are spend resources locally. As such the dollar estimate increase in local spending provided by the applicant may be higher than can be expected.

### **3.0 Soils and Topography**

1. As noted by the applicant, test borings were dug at various locations across the site. The logs for these excavations should be provided to the Planning Board for review by their technical consultants to further understand the site soil, ground water, and depth to bed rock conditions.
2. The applicant should provide a qualitative analysis utilizing existing (and if necessary new) soil borings across the site to prove that blasting may or may not be necessary on the site so that any negative impacts associated with blasting activities can be fully understood and analyzed in the EAF. A preliminary Geotechnical Report should be prepared and submitted by the applicant that fully discusses existing conditions across the entire site.
3. Anecdotal evidence indicates the presence of granite bed rock close to the surface, which may contain radon. Accordingly the applicant should provide an analysis of the potential for any adverse impacts associated with Radon that may be present on the project site.

### **4.0 Water/Stormwater**

1. Conceptual plans do not show where proposed infiltration and stormwater storage infrastructure would be located on this sloping site. Please provide conceptual level details. While infiltration is generally an amenable stormwater practice the technical data of borings, percolation testing and hydrologic modeling have not yet been presented. Reference was made to borings and preliminary percolation tests but said information was not included in the submission. Concerns for location of infiltration practices are for slopes towards Route 9D and nearby properties with basements that may be impacted by re-charging the local water table during wet weather. Slope stability could be an issue if increased groundwater levels, even in the temporary sense, could be a concern. The report discusses a second system of infiltration chambers to attenuate the 10 year and 100 year storm events beyond the treatment of lesser storm events via proprietary devices and first infiltration system. Some development is proposed near Route 9D in the form of a 7,000 S.F. office retail building which is close to existing properties across the street and sanitary sewer infrastructure that may have infiltration and inflow issues currently.
2. The submission discusses the fill soils over the original soils and discusses native soils as Riverhead loam. This can be an amenable soil for development at this site if shallow groundwater levels are not encountered which remains to be seen as borings and soil



investigation data has not been presented and could be only a cursory scope insofar as the full site development. More information is required to fully evaluate the potential for stormwater infiltration practices at this site.

3. The use of the NYSDEC re-development requirements is appropriate for a portion of the site while newly developed areas will need to comply with the NYSDEC permit GP-0-10-001. Please describe how and where these re-development requirements will be utilized on the site. Particular attention will be needed to appropriate storage and conveyance of runoff from large storm events to minimize impacts to storm sewer and sanitary sewer infrastructure.
4. There is no discussion of the use of alternative options to minimize the very large amount of impervious surface area proposed for the site. The EAF should be revised to include a discussion of other green stormwater management options that could be used on the site including but not limited to banked parking, pervious pavement in parking lots, green roof designs, rain gardens, etc.

## **5.0 Ecology**

1. The Copper Beech tree has been recognized by the applicant and the community as a significant ecological resource on the project site. As such, an assessment of the tree's current condition as well as the potential impacts the proposed new buildings and construction activities will have on the tree should be conducted to fully understand if this valuable resource will be impacted in a negative way. An assessment of the tree's current condition and identification of any impacts the proposed redevelopment may have on the tree should be conducted by a NYS certified Arborist/Botanist and provided to the Planning Board in a stand-alone report.
2. The site concept development plans and EAF describe the existence of a "small number of sizable trees" across the Butterfield redevelopment site. As it appears that all or most of these trees will be removed to accommodate new parking areas, roads and buildings, this will result in a considerable change to the visual character to and from the site. Please describe in greater detail how the loss of these trees will impact the visual character of the site and what measures will be taken to mitigate those anticipated visual impacts.

## **6.0 Historic & Archeology**

1. A Phase 1A Archeological Assessment Report should be conducted by a NYS certified Archeologist and a report provided to the Planning Board.
2. The applicant should revise this section to include an expanded discussion on potential impacts to all identified and/or designated historic resources in the Cold Spring Historic





District that are in proximity to the site such as the sites along Paulding Avenue and the West Point Foundry Preserve. Discussion should not be limited to the Grove site.

## **7.0 Open Space**

1. Please provide a description about how the existing great lawn area is currently used (on a yearly basis) by the public. Also provide additional details about the intended use, maintenance, access and ownership of the proposed “Gateway Park” to be located on the western portion of the site. Will ownership of this park be deeded over to the Village? Will the park be open to the public? Who will be responsible for the parks maintenance and upkeep? Who will be responsible for maintaining the necessary insurances for users of the park? How will users be able to access the park? Will dedicated parking be made available to park users? Consideration should be given to adding sidewalks along the southern side of Paulding Avenue along the entire length of the property to allow better pedestrian connection to and from Route 9D to the historic neighborhood and Gateway Park.

## **8.0 Traffic**

1. There is a discrepancy in the amount of retail square footage between the EAF text (13,000 SF) and the traffic study (7,000 SF). The applicant should revise all pertinent sections of the EAF to reflect the correct data.
2. The study does not include analyses of the site driveways other than to say that they should operate at level of service A. The technical analyses should be provided for each driveway as at least a level of service C is expected.
3. The study needs to account for the amount of existing site traffic in its analyses (i.e., Lahey Pavilion). This may impact the results of the analyses in #2 above. In addition, the study should clearly show and analyze anticipated traffic patterns entering and exiting the site at all proposed driveway locations to better understand how traffic moving onto and off the site will impact current and future traffic patterns on Route 9D.
4. The traffic study should be revised to show anticipated internal traffic circulation patterns based on the proposed land use of each new building on the site.
5. Given the proposed layout of new buildings, an emergency vehicle access assessment and analyses should be provided that illustrates clear and unopposed access to all internal and external areas of the site for all of the Village’s existing emergency response vehicles. This analysis needs to provide quantitative data to prove that large fire apparatus can easily access all areas of the site.





6. The study should indicate why trip “rates” were used instead of the formulas provided in the *Trip Generation* manual.
7. The close proximity of the streets Paulding Avenue, Chestnut Street, and Bank Street at Route 9D creates a 5-leg intersection and are integral to each other. The *Highway Capacity Manual (HCM) 2010* does provide procedures for analyzing 5-leg intersections and this should be done for this study instead of separating the intersections. While it is correct that Synchro does not analyze 5-leg intersections, it is just a tool for running the procedures of the HCM. The *Highway Capacity Software (HCS)* tool can be used for analyzing this 5-leg intersection.
8. The study should identify what resource was used for determining the background growth rate of 1% per year.
9. The site plan includes three access points (existing access points) to Route 9D within 700 feet of each other. The study should include an analysis that eliminates one of the access drives. This would be in keeping with access management principles.
10. The site is located on the inside of a curve along Route 9D and sight distance for vehicles entering and exiting the site is significantly limited. The study should include a sight distance analysis for the driveways as well as a crash analysis along this section of Route 9D.
11. The site plan shows 36 on-street parking spaces on the inside of the curve, which further exacerbates the limited sight distance noted in #8 above. This will also impact the ability of westbound vehicles on Route 9D to adequately see car doors being opened. Has any communication with NYS DOT been initiated to see if DOT is open to allowing on-street parking on/within the State Right-of-Way (ROW)? Please provide copies of all correspondence with NYS DOT regarding any proposed changes to or along NYS Route 9D.
12. The study should address how the on-street parking spaces will be built on Route 9D.
13. The traffic study makes reference to the closing of the access to NYS Route 9D at the Foodtown location. This access will not be closed or removed. Please revise the traffic study to reflect this reality.
14. The study in general terms mentions pedestrian and bicycle traffic in and around the site, including access to Village businesses and trails, some of which will require pedestrians to cross Route 9D. There are also residential units directly across the project site that may be attracted to the retail, office, and government uses. The study should include a detailed description of the existing pedestrian and bicycle accommodations and how the future pedestrian and bicycle traffic will be accommodated with the project, especially with the sight distances issues.



## **9.0 Land Use, Zoning and Community Character/Services**

1. The applicant should provide a Build-Out Analysis to show the current build out of the site based on current zoning, as well as the full build out of the site under the new B-4A zoning.
2. The applicant should provide a more detailed discussion as to how the proposed project and zone change meets the intent of the specific goals of the Comprehensive Plan, or is otherwise consistent with the goals of the Comprehensive Plan.
3. The EAF provides repeated references to a “community center” and “senior center” proposed for the site. Clarification is needed to determine how this facility is to be characterized, used, owned and maintained. Will the center be open to the general public or limited to just residents of the site proper? If open to the general public, the traffic study should be revised to reflect this more intense land use that may draw off-site visitors.
4. A more thorough analysis of the potential impacts to senior-related community services needs to be provided to better understand how this aged population will be taken care of. An analysis of utilization rates of community services (i.e. ambulance, EMS, etc.) for other similarly structured senior housing facilities should be provided to determine the potential impacts that could be reasonably anticipated with this site. This should be in comparison to non-age restricted sites as well.
5. The Applicant needs to demonstrate that sufficient fire flow capacity is available for the project site. What is the Needed Fire Flow (NFF) for the Project Area and building requiring the highest available fire flow? Has testing of existing hydrants within or adjacent to project area been performed to confirm available fire flow rate and duration fire flow rates can be sustained?
6. Water Service:
  - a. Need to demonstrate sufficient water capacity exists to service project area.
    - In EAF Part 3 - Section 9.6 “Utility Services”, is the stated water demand of 19,000 gpd the average daily water demand or maximum day water demand? This flow requirement is not consistent with 10,000 gpd valve listed in the EAF. Please clarify.



- Calculations need to be provided deriving the average and maximum daily water demands for project area.
  - Per the letter dated February 7, 2012 prepared by Gregory R. Phillips, Village of Cold Spring DPW; the Village is requesting that an independent source of water be utilized for site irrigation/landscaping. The proposed project's water demand should therefore not account for water usage associated with site irrigation/landscape.
- In EAF Part 3 - Section 9.6 "Utility Services", the municipality's current **average** daily water demand is referred to and used as the basis for determining that sufficient water capacity exists to service project area. The correct way to evaluate the available water system capacity should include the following:
    - The applicant needs to determine the design capacity of the water system before stating that sufficient capacity exists to serve their project. What is the maximum daily amount of water that can be produced by the municipality's water production facility(s) and utilized in the distribution system?
    - The applicant needs to determine what the current maximum daily water demand in the distribution system is based on most recent metered water usage data, if available.
    - The applicant needs to compare water system design capacity to future maximum daily demand (equal to current maximum daily demand plus additional maximum daily demand of project area) to verify sufficient water capacity is available.

#### 7. Sewer Service:

- a. The applicant needs to demonstrate sufficient sanitary sewer capacity exists to service the project area. Per the letter dated February 7, 2012 prepared by Gregory R. Phillips, Village of Cold Spring DPW; it is stated that the Village sewer Collection System experiences inflow and infiltration (I&I) which is currently contributing to influent flows received at wastewater treatment plant which are in excess of SPDES permitted flow. The Village has requested that the consultant



evaluate and inspect collection system components (i.e. existing structures, sewers, force mains, and pump stations) to be utilized by the proposed project to convey sewage to wastewater treatment plant and repair, replace and/or upgrade collection system components/capacity as necessary. B&L technical staff can assist the applicant in determining how best to evaluate and collect this data.

- In EAF Part 3 - Section 9.6 “Utility Services”, is the stated sewer demand of 19,000 gpd the average daily sewer demand or maximum daily sewer demand?
  - Calculations need to be provided deriving the average daily, maximum daily, and peak hourly sewer flows of project area.
- In EAF Part 3 - Section 9.6 “Utility Services”, the municipality’s permitted SPDES flow rate at the Wastewater Treatment Facility is used as their basis for determining sufficient sewer capacity exists to service the project area. However, additional evaluation of the sewer system needs to be performed to verify if sufficient sewer capacity exists.
  - In order to determine if sufficient sewer capacity exists, the applicant needs to also evaluate and describe the design capacity of downstream gravity sewers and pump stations which will service project area, that are influenced by and include infiltration and inflow.
  - In addition, the applicant needs to evaluate current peak flows through downstream gravity sewers and pump stations which will service project area. Flow monitoring should be performed in the collection system during wet weather periods (i.e. when wastewater treatment facility experiences higher than typical flows) to evaluate peak flows which include contribution from I&I.
  - Current peak flows plus additional peak flow from project area should then be compared to available capacity of collection system infrastructure utilized to convey the project areas flows to the wastewater treatment facility.



8. The use of geothermal heating and cooling systems have been suggested by the applicant in Part III of the EAF. However the EAF should be revised to include a more detailed evaluation and assessment of the site and project to potentially support this type of infrastructure as it is unclear where geothermal systems could be placed on the site or how it would affect the overall site layout.
9. There is no mention in the EAF of how the applicant will address or incorporate green building designs and standards into their overall plan. Will any level of LEED building design accreditation be pursued for any of the proposed new structures on the site? The EAF should be revised to include a detailed discussion of this issue.

## **10.0 Construction Related Effects**

1. The applicant should provide a preliminary Erosion & Sediment Control Plan to show how they intend to address and deal with the movement of soils on the site as significant site grading and soils stockpiling are anticipated. Given the existing topography on the site, the Planning Board needs to fully understand how the site will be graded and what mitigation measures will be utilized to stabilize the site during construction to ensure no impacts to off-site facilities (Village sewer/stormwater basins) or adjacent properties.
2. Any site work or construction access from Paulding Avenue should be limited to what is necessary for the construction of the three single family units or any necessary site infrastructure that will need to connect to facilities and improvements on Paulding Avenue. Access from Paulding Avenue during construction should not be used for general site access, to lessen any impacts on the existing adjacent historic neighborhood. The applicant should revise the expanded EAF narrative to include a description of how this will be achieved and how impacts to the Paulding Avenue neighborhood will be minimized during construction.
3. The applicant should revise the EAF to include Demolition Related Effects. The applicant should provide the Planning Board with a site demolition plan of all structures that are proposed to be demolished, including detailed plans for dealing with any anticipated and non-anticipated hazardous materials such as lead paint, asbestos, UST's, chemicals, etc. As part of this Demolition Plan, the applicant should also provide the Planning Board with the Decommissioning Plan the Hospital used when it ceased operations years ago. The information contained in the decommissioning plan could identify previously unknown conditions or contaminants found on the site. Also were there any underground bulk petroleum storage tanks located on or removed from the site? If so, a copy of any tank removal report should be provided to the Planning Board.

cc: A. Georgiou, Esq.  
Applicant